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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 13, 1995 - Issue 41: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Egg and Egg Products Act

- 2) Code Citation: 8 Ill. Adm. Code 65

- 3) Section Numbers: Proposed Action:

65.30 Amended
 65.50 Amended
 65.80 Amended
 65.90 Amended
 65.100 Amended
 65.110 Amended
 65.120 Repealed
 65.130 Amended
 65.140 Amended
 65.150 Amended
 65.160 Amended
 65.170 Amended
 65.180 Amended
 65.190 Amended
 65.200 Amended
 65.210 Amended
 65.220 Amended
 65.230 Repealed

- 4) Statutory Authority: Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13]

- 5) A Complete Description of the Subjects and Issues Involved: Most of the amendments being proposed are due to changes in the statute (see P.A. 89-154, effective 7/19/95). License fees are being established by rule and are being increased to help defray the costs of this program. Information concerning surety bonds/certificates of deposit have been deleted. Expiration dates are to be included on consumer container labeling. The holding temperature for eggs designated for human consumption has been amended.

Section 65.180(d) and Section 65.230 are being deleted because this information is addressed in the statute.

References to federal regulations and the Illinois Compiled Statutes are being updated. Section 65.210 is being amended to clarify the handler responsible for paying egg inspection fees.

- 6) Will this proposed rule replace an emergency rule in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The change in storage temperature for eggs will affect some units of local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the *Illinois Register*. Comments should be sent to the attention of:

Debbie Wakefield
 Department of Agriculture
 State Fairgrounds, P.O. Box 19281
 Springfield, IL 62794-9281
 (217) 785-5713 or FAX: (217) 785-4505

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Egg licensees.

- B) Reporting, bookkeeping or other procedures required for compliance: Expiration dates must be included on consumer container labeling; holding temperature for eggs has been amended; license fees have increased.

- C) Types of professional skills necessary for compliance: No additional professional skills are required.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER 1: DEPARTMENT OF AGRICULTURE

SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS

(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 65

EGG AND EGG PRODUCTS ACT

Section	
65.10	Definitions
65.20	Packaging Material, Master Containers, Packing Material and Consumer-Size Containers
65.30	Consumer Container Retail Labeling Requirements
65.40	Restrictions
65.50	Master Container Labeling Requirements Labeling-of-Containers
65.60	Advertising
65.70	Brand or Firm Name
65.80	Food Preparation
65.90	Holding Temperature
65.100	Application for License or Renewal; Revocation or Suspension of License
65.110	Licenses
65.120	Surety Bond or Certificate of Deposit (Repealed)
65.130	Required Forms and Records
65.140	Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments
65.150	Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs
65.160	Minimum Sanitation Requirements for Retailers and Institutional Consumers
65.170	Retail Egg Inspection
65.180	Enforcement
65.190	Restricted Eggs (Definition, Labeling, Handling, Disposition)
65.200	Denaturants
65.210	Egg Inspection Fee
65.220	Illinois Grade Standards
65.230	Administrative Hearings (Repealed)

AUTHORITY: Implementing and authorized by Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13].

SOURCE: Rules and Regulations for the Illinois Egg and Egg Products Act, filed October 28, 1975, effective November 1, 1975; amended March 2, 1976, effective March 12, 1976; amended December 29, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10449; amended at 7 Ill. Reg. 2311, effective February 14, 1983; amended at 17 Ill. Reg. 6749, effective April 27, 1993; amended at 19 Ill. Reg. _____, effective _____.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 65.30 Consumer Container ~~Retail~~ Labeling Requirements

- a) All shell eggs sold by a producer-dealer, packer, handler, or distributor to a retailer for resale to a consumer shall be labeled on the consumer-size container with the grade and size. Labeling shall be in bold type with letters not less than 3/8 inch in height, no abbreviations permitted.
- b) Labeling on each consumer-size container must show the name and address of the packer or the name and address of the distributor or retailer under whose authority the eggs were packed. This identification must be permanent either by stamping or printing in bold type with letters not less than 1/8 inch in height.
- c) ~~Each in-addition-to-the-labeling-requirements-in-far--and--(b)--above~~ each consumer-size container must include in its label with letters not less than 1/8 inch in height a number indicating the exact consecutive day of the year on which the determination of grade and size was made and an expiration date. Eggs labeled "Grade AA" shall have an expiration date not to exceed fifteen days after the date of packing. Eggs labeled "Grade A" or "Grade B" shall have an expiration date not to exceed thirty days after the date of packing. The expression of this date must be as follows: EXP. DAY, MONTH, or EXP. MONTH, DAY. Eggs shall not be offered for sale or sold to a consumer after the date marked on the container. Predating is not permitted. Illegible dates shall be considered as no dates. Canning dates must be separated from any other codes which may appear on the carton.
- d) ~~In-addition-to-the-above-labeling-requirements--it-shall-be-allowable to--include--expiration--dates--in--the--labeling--of--consumer-size containers--at--retail--provided--that--the--expiration--date--be--within--a thirty-day-period--from--the--date--of--canning--The--expression--of--this date--must--be--as--follows--EXP--DAY--MONTH--or--EXP--MONTH--DAY--Eggs with--an--expiration--date--marked--on--the--container--shall--not--be--offered for--sale--or--sold--to--a--consumer--after--the--date--marked--on--the--container--~~

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 65.50 Master Container Labeling Requirements ~~Labeling-of-Containers~~

- a) All master containers, whether full or partial containing bulk (loose) eggs offered, exposed or packed for sale, or transported for sale within the State shall bear a label stamped on the container or a removable tag affixed to the container on the top rung showing the following information in a conspicuous manner:
- 1) Grade and size -- in letters not less than 1/2 inch in height.
 - 2) Name and address of packer or Illinois egg license number or U.S.D.A. plant number or egg license number from another state -- in letters not less than 1/4 inch in height.
 - 3) The exact date on which the eggs were candled and graded. This

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

candling date must be legible and accurate and appear in letters not less than 1/4 inch in height. Predating is not permitted. Illegible dates shall be considered as no dates.

- b) Wire or plastic baskets (master containers) containing consumer-size cartons with the labeling information required by 8 Ill. Adm. Code 65.30 exposed to view are exempt from labeling the master container itself.

- c) Master containers, containing consumer-size containers where the labeling information is not exposed to view, must be labeled with one of the following means of identification:

- 1) name and address of packer,
- 2) state license number,
- 3) U.S.D.A. plant number, or
- 4) egg license number from another state.

- d) A packer shall notify the Department in writing if he elects to use the state egg license number or U.S. Department of Agriculture plant number instead of his name and address.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.80 Food Preparation

Restaurants, institutional consumers, and food manufacturers shall receive and use only clean sound shell eggs of Grade B quality or better. They may buy dried, frozen or liquid eggs only if such products are prepared and pasteurized in a plant under USDA continuous inspection and carry the USDA inspected egg products legend.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.90 Holding Temperature

- a) From the point of candling and grading, all eggs designated for human consumption shall be held at a temperature not to exceed 45° 60° F. ambient temperature after processing until they reach the consumer.

The 45° 60° F. requirement will begin after the candling and grading and will apply to any place or room in which the eggs are stored, except during. During transportation eggs shall be held in vehicles capable of delivering air at 45° F. ambient temperature. Every effort shall be made to hold the eggs at 45° F. ambient temperature, where the temperature inside the body of the vehicle may exceed 60° F. Provided the temperature taken inside each master container remains at 60° F. or below.

- b) All shell eggs shall be kept from freezing.
c) Nest run eggs shall be held at 60° F. or less at all times, including during transportation.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.100 Application for License or Renewal; Revocation or Suspension of License

- a) Except for those businesses exempted in Section 8 of the Act, applications for a license to operate as a handler, egg breaking establishment or any other business which buys, sells, trades or traffics in eggs, such as, egg packing, handling and processing plants, shall be made on forms supplied by the Department. Persons who ship shell eggs into Illinois from any other state via their own trucks, leased trucks, or common carrier must have Illinois Egg Licenses. All shipments of such eggs shall meet Federal standards (21 U.S.C.A. 1031 et seq. 1629727 and 7 CFR 56 (January 1, 1995) 7-571791 and 7 CFR 59 (January 1, 1995) 7-571790) and be in compliance with this Part. Egg breaking establishments located in this State or located outside the State but who sell or purchase shell eggs in Illinois must obtain an Illinois Shell Egg License and thereby become subject to all provisions of the Act and to the rules governing the sale and purchase of shell eggs in this Part.

- b) New applicants for licenses shall state the type of license desired (Section 65.110) when requesting an application form. Applications for renewal of licenses shall be mailed by the Department to the licensee at the address on the application. The application for renewal of a license shall be filed with the department annually within 60 days after the close of the egg handler's last completed fiscal year or within such further time not exceeding 60 days as the department upon application may grant. Ill. Rev. Stat. 1917-CH--56 1/27-Par--55-97-1410-1585-615791--The Department shall extend past the 60-day renewal period a grace period, not exceeding another 60 days, provided the applicant has submitted the executed renewal application to the Department within the renewal period accompanied by a statement indicating that a current financial statement and/or surety bond has been contracted for and estimated date it will be available for the Department's review. Exception: the Department shall not grant a grace period or shall cancel a grace period that was granted if the handler has defaulted to products for eggs which he has purchased from them. The application for an egg license shall include the name to appear on the license, and the address where the applicant engages in the business of buying eggs, information as to the type of license being applied for, name under which the license was previously issued and license number if it is a request for renewal of license information on whether the licensee purchased nest run eggs and from whom and information on officers or partners, if applicable.

- c) The application for license to operate an egg breaking establishment shall request the name to appear on the license and licensee the

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address of the business and information on whether the business has or will purchase nest-run eggs from producers. Applicant's business must meet standards as set forth in Section 65.140 and submit a financial statement and surety bond or certificate of deposit if the egg breaking establishment qualifies as a handler (see subsection (d) below).

d) A handler as defined in Section 3.16 of the Act who buys nest-run eggs from a producer except a retailer or producer-dealer who purchases less than 150 cases (master containers containing 30 dozen eggs in each container) per year from producers and provided they pay cash barter or kind for such eggs shall file with the application a surety bond or certificate of deposit in accordance with the provisions of Section 11.1 of the Act as well as a current financial statement as required by Section 11.2 of the Act. Handlers who purchase nest-run eggs from a bonded producer-dealer do not need to be bonded or submit a financial statement, unless the nest-run eggs are from the bonded producer-dealer's own production. The surety bond or certificate of deposit will cover that portion of the nest-run eggs that is from the bonded producer-dealer's own production. Section 65.139 states additional requirements regarding surety bonds or certificates of deposit.

d) Inaccurate or missing information on the application will be grounds for revoking or refusing to issue a license. Before refusing to issue or renew or before suspending or revoking a license or refusing to issue or revoking a grace period for renewal, the Department shall comply with the provisions of Section 11.5 of the Act. The administrative hearing shall be conducted in accordance with Section 18.5 of the Act 65.236.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.110 Licenses

a) The classifications of egg licenses and license fees for an Illinois Egg Licenses license (full and limited) and limited fee set in Section 9 of the Act. Classifications of egg licenses are:

1) Illinois Egg License (Full) is required for the following business:

A) Producer-dealer (as defined in Section 3.29 Paragraph 55-329 of the Act and who sells eggs from other than his own production of 3,000 or more birds) - \$50.

B) Grading station (candles and grades nest run eggs from various producers) - \$50.

C) Jobber or broker (as defined in Section 3.2 Paragraph 55-322 of the Act) - \$50.

D) Distributor (as defined in Section 3.11 Paragraph 55-311 of the Act) - \$50.

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E) Retailer (as defined in Section 3.31 Paragraph 55-331 of the Act and who purchases 150 cases (master containers containing 30 dozen eggs in each container) or more of nest run eggs per year) - \$50.

2) Illinois Egg License (Limited) is required for the following businesses:

A) Retailer (as defined in Section 3.31 Paragraph 55-331 of the Act and who purchases less than 150 cases (master containers containing 30 dozen eggs in each container) of nest run eggs per year) - \$15.

B) Producer-dealer (as defined in Section 3.29 Paragraph 55-329 of the Act and who sells only graded eggs produced by his own flock of 3,000 birds or less) - \$15.

3) Egg Breaker's License (egg breaking establishment as defined in Section 16 Paragraph 55-16 of the Act). The license fee as set in Section 16 of the Act is \$200.

b) A license will be issued if the applicant complies with the requirements of Sections 9 and 16 Paragraphs 97-117-112 and 116 of the Act (as applicable to the type of license desired) and this Part these rates.

c) Illinois Egg Licenses must be posted conspicuously at the place of business of the holder thereof so the license may be seen by the public and by the inspectors of the Department of Agriculture at any and all hours of the working day.

d) Truckers purchasing eggs from an Illinois producer are required to have an Illinois Egg license or photostatic copy of the license displayed in the cab.

e) A separate license must be obtained for each business location.

f) A place of business means a location where any person buys eggs from producers, or buys from or sells to institutional consumers, retailers, manufacturers or handlers. A truck or vehicle shall be considered a place of business provided no building is used for this purpose. Any person who operates his business from a vehicle in the State must provide to the Department a legal address for contact.

g) Licenses are non-transferable. In the event of a sale of a licensed business, the purchaser will be required to make application for a new license.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.120 Surety Bond or Certificate of Deposit (Repealed)

a) An applicant for an Illinois Egg License (Full or an Egg Breaker's License) or for the renewal of such license who purchases nest-run eggs shall file with the Department accompanied by the application for license a current financial statement and a commercial surety bond or certificate of deposit as required in Section 11.1 of the Act.

DEPARTMENT OF AGRICULTURE

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- equal-to-1/12-of-the-total-dollar-amount-of-his-yearly-purchases-of nest-run-eggs-from-illinois-producers-with-the-following-exception: Retailers-or-producer-dealers-who-purchase-less-than-150-cases-of-nest-run-eggs-from-producers-per-year-are-exempt-from-this-requirement provided-they-pay-cash-barter-or-kind-for-such-eggs--Applicants-not engaged-in-such-business-theretofore-or-for-less-than-one-year-shall estimate-their-surety-bond-or-certificate-of-deposit-in-accordance with-Section-117-of-the-Act--A-surety-bond-or-certificate-of-deposit does-not-have-to-be-secured-by-a-handler-for-nest-run-eggs--Purchased from-a-bonded-producer-dealer-unless-such-nest-run-eggs-are-from-the bonded-producer-dealer's-own-flock.
- b) The-name-and-address-of-the-licensee-on-the-surety-bond-shall correspond-with-the-name-and-address-on-the-application-for-license.
- c) Every-bond-must-be-signed-by-the-license-holder-in-the-same-manner-as on-the-application-for-the-license--acknowledged-before-a-notary public--and--if-the-applicant-is-a-corporation-the-corporate-seal shall-be-affixed-thereto.
- d) Every-bond-so-filed-shall-contain-a-provision-that-it-may-not-be cancelled-by-the-principal-or-surety-company-except-on-60-days-notice-in-writing-via-certified-mail-to-the-Director-at-his Springfield--it-notary-officer-A-copy-of-such-notice-shall-be-mailed on-the-same-day-to-the-principal-The-cancellation-shall-not-affect the-liability-accrued-or-when-may-accrue-under-such-bond-before-the expiration-of-the-60-days.
- e) If-at-the-end-of-the-60-days-prior-notice-of-cancellation-the-licensee has-not-replaced-the-bond-he-shall-immediately-notify-all-of-the producers-from-whom-he-is-currently-buying-eggs-that-his-bond-has-been cancelled-and-that-he-is-no-longer-bonded.
- f) The-effective-date-of-the-bond-shall-be-the-date-that-it-is-issued-Bring-the-first-year-of-operation-if-a-bonded-licensee-has-purchased an-amount-of-eggs-in-excess-of-his-initial-estimate-he-shall-readjust the-estimate-and-immediately-furnish-the-Department-with-sufficient additional-bond-or-post-additional-Certificate-of-Deposit-to-cover-the additional-purchases.
- g) The-Department-has-promulgated-rules-governing-the-collection handling-and-distribution-of-surety-bonds-and-certificates-of-deposit posted-with-the-Director-as-trustee-in-order-to-satisfy-claimants these-rules-(8-ill-Adm-Code-3)-in-conjunction-with-8-ill-Adm-Code 65-230-shall-govern-the-Department's-actions-in-the-case-where-a licensee-who-is-required-to-be-bonded-has-defaulted-payment-to producers-for-eggs-which-he-has-purchased-from-them.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 65.130 Required Forms and Records

- a) Grade Buying Slip.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) When eggs are purchased from the producer on a graded basis, a grade buying slip shall be issued by the purchaser to the producer showing that eggs are of one or more of the following grade and size designations stating the quantity of each. Every grade buying slip shall carry a minimum of these six designations:
- | | |
|----------|------------|
| A Large | B Grade |
| A Medium | A Medium |
| A Small | Restricted |
| | Loss |
- 2) The grade buying slip must identify the producer and the purchaser and show the date of purchase and the date of grading. Eggs purchased from producers on a graded basis shall be candled and graded by the first receiver before the close of the fifth business day after receipt of the eggs at the grading facility unless otherwise agreed to by both parties and, unless they are sold as "Nest Run Eggs" in which event they must be assigned a nest run grade and a weight class as defined in 7 CFR 56.230, 56.231, and 56.232 (January 1, 1995 May-17-1991) in the Federal standards for shell eggs.
- 3) If quality factors preclude the assignment of a nest run grade, it must be so stated on the invoice accompanying the sale of the eggs to the second receiver.
- 4) Other grade and size classifications may be used in addition to the above compulsory ones. When other grades are added to the above list, they must conform with the Federal egg grading standards adopted in Section 65.220. The term "restricted" shall be used to designate all edible eggs below B quality (see Section 65.190(a)). A quantitative breakdown of the various types (i.e., checks, dirties, etc.) of restricted eggs shall be shown.
- b) Invoice.
- 1) When eggs are sold by a licensed handler to another handler or retailer for ultimate resale to consumers, or to an institutional consumer or manufacturer for use in preparation of food for human consumption, an invoice or other accounting document must accompany the eggs.
- 2) The invoice or other accounting document must show the name and address of the seller, the name and address of the purchaser, and the exact grade and size of the eggs sold according to State grade standards (see Section 65.220).
- 3) Both seller and buyer must keep a copy of this invoice or other accounting document on file at their respective places of business for a period of 30 days.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.140 Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Illinois standards for sanitation, building and labeling requirements for egg breaking establishments shall be those as required by the Federal Egg Products Inspection Act (21 U.S.C.A. 1035f-6/29/72 and 1036f-6/29/72) and its rules (7 CFR 59 (January 1, 1995) 7-May-17-1990).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.150 Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs

- a) Buildings shall be of sound construction so as to prevent the entrance or harboring of vermin.
- b) All areas and rooms in which eggs are handled, graded, and packed shall be kept reasonably clean during working hours and shall be thoroughly cleaned at the end of each operating day.
- c) Cooler rooms shall be free from objectionable odors, such as, mustiness or a rotten odor, and shall be maintained in a clean sanitary condition.
- d) Oil processing of shell eggs to preserve quality shall be conducted in a manner as will avoid contamination of the eggs. The temperature of the processing oil must be warmer than the temperature of the eggs to which it is applied.

- 1) Oil having any off odor or oil that is obviously contaminated shall not be used. Processing oil that has been previously used and which has become contaminated shall be filtered and heated to 180° F. for three minutes prior to reuse.

- 2) Oil treating equipment shall be washed, rinsed and treated with a bactericidal agent each time the oil is removed. It is preferable to filter and heat treat processing oil, and clean processing equipment daily when in use. Equipment shall be covered when not in use to keep it clean.

- 3) Eggs with apparent moisture on the shell shall not be oil treated.

- e) Egg cleaning equipment shall be kept in good repair and shall be thoroughly cleaned after each day's use or more often if necessary to maintain a sanitary condition. The wash water shall be potable and maintained at a temperature of 90° F. minimum. The wash water temperature must be at least 20° greater than the egg temperature. The wash water shall be replaced frequently and the detergent and sanitizer shall be kept at an effective level at all times.

- 1) During any rest period, or at any time when the equipment is not in operation, the eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a build-up of heat.

- 2) Only USDA or Federal approved cleaning and sanitizing compounds may be used (7 CFR 59.515 (January 1, 1995) 7-May-17-1990).

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- f) Washing eggs by hand or by any other method whereby the water temperature, cleaning and sanitizing agents, and bacterial contamination cannot be controlled is prohibited.
- g) Motor driven rotary cleaning pads, hand sanding, or other "dry cleaning" devices may be used to clean eggs, but they are not recommended. Dry cleaning pulverizes the dirt thereby spreading it over all adjoining surfaces, including eggs. In the absence of an adequate air filtering system, the process shall be considered as air pollution and a health hazard for persons handling the eggs.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.160 Minimum Sanitation Requirements for Retailers and Institutional Consumers

- a) Only new packaging material will be used to sell eggs at retail. This regulation applies to any size container and the packing material used therein.

- b) Display cases in which eggs are offered for sale to consumers must be clean and free from any substances or conditions whereby the eggs could become adulterated through absorption of bacteria or odors which would affect the quality of taste of the eggs.

- c) All storage areas where eggs are held prior to being placed in display cases or other area accessible to consumers must be continuously maintained in a clean and sanitary condition. Eggs will not be stored in the same area with:
 - 1) consumer-size containers which have been rejected for damaged eggs,
 - 2) onions, fish, and other strong smelling food items,
 - 3) cleaning compounds, pesticides or any other chemicals of any kind or sort whatsoever.

- d) Upon receipt of eggs it is the responsibility of the retailer or institutional consumer to see that they are placed in a cooler, cold room or display case in which the temperature does not exceed 45° 69° F. at any time during which the eggs are held in the facility. In addition, eggs shall be protected from freezing.

- e) Institutional consumers shall not keep shell eggs in the kitchen or cooking area for longer than one hour from the time they are removed from the cooler.

- f) Retailers and institutional consumers should keep their supplies of eggs properly rotated at all times so that the oldest eggs as determined by the candling date on the master containers or consumer-size containers are used first.

- g) Consumer-size containers holding damaged eggs whereby the contents are exuding or free to exude through the shell membranes shall be removed from the display area. If such damage results in spillage of egg

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contents on other cartons or upon the bottom of the display case, the cartons or display case floor must be cleaned within a reasonable time.

h) In all storage areas, master containers shall be kept above the floor at all times.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.170 Retail Egg Inspection

- a) When an inspector selects inspection samples to ascertain compliance with the Egg and Egg Products Act and the rules as they apply to grade and size of shell eggs, such samples shall be taken from the same areas or lots immediately available and offered for sale to retail customers.
- b) If a disproportionate number of checks and leakers are found indicating the lack of reasonable store surveillance of the egg display, the inspector will issue a violation notice. In determining if a violation exists, the inspector will consider the damage possibly inflicted by the store's patrons, past inspection history indicating previous lack of surveillance of the egg display, and whether the number of checks and leakers exceed minimum federal egg grading standards (7 CFR 56 (January 1, 1995)).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.180 Enforcement

- a) Stop Sale Notices. Inspectors of the Department of Agriculture, upon determining that the provisions of the Act or the rules promulgated for its enforcement have been violated, shall place "Stop Sale Notices" on eggs being offered, displayed, stored, processed, or transported in violation of the provisions of the Act or the rules thereof. The Department shall advise the violator in writing of an administrative hearing to present his case. If the violation is corrected prior to the date of the administrative hearing, the licensee shall notify the Department and if upon examination, the Department determines that the correction has been made, the licensee will be notified that no hearing will be held. The administrative hearing shall be conducted in accordance with 9 Ill. Adm. Code 65.230. If the hearing officer determines a violation has occurred, the case shall be submitted to the courts in accordance with Section 19 of the Act. Eggs upon which a Stop Sale Notice has been issued shall not be sold, transferred or otherwise disposed of until such Stop Sale Notice has been cancelled by the Director of Agriculture, or his duly authorized agent.

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- b) At the retail level, all consumer-size containers within a lot determined to be in violation of the Act or the rules thereof shall be stamped individually as follows: "Not To Be Sold -- Ill. Dept. of Agri." Any consumer-size containers so stamped shall not be sold at retail and shall be picked up by or returned to the person from whom they were purchased or obtained, or destroyed in the presence of the inspector.
- c) Inspection Samples. Whenever eggs are offered for sale or being held for the purpose of selling, any authorized inspector or employee of the Department of Agriculture may enter and take representative samples.
- d) ~~Seizure--Eggs held to be in violation of any provision of this Act--or its rules--may be seized by any authorized inspector or employee of the Department of Agriculture for the purpose of holding as evidence.~~
- d) ~~et~~ Invoices, Reports and Information. When deemed necessary for proper enforcement of this Act, any producer-dealer, packer, handler, distributor, institutional consumer, retailer, or holder of an Illinois Egg License may be required to supply invoices, reports, or equivalent information, as may be specified by the Director of Agriculture or his agent.
- e) ~~et~~ When refusing to issue or renew, suspend or revoke a license, the Department shall conduct an administrative hearing to afford the respondent an opportunity to be heard in accordance with the provisions of Section 11.5 of the Act and 8 Ill. Adm. Code 65.230.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.190 Restricted Eggs (Definition, Labeling, Handling, Disposition)

- a) "Restricted eggs" means shell eggs which are checks, dirties, incubator rejects, inedibles, leakers or loss. Except for the producer exemption as provided in paragraph (c), checks and dirties may be used for human food provided they are processed and pasteurized in an official plant.
- b) "Capable as use as human food" means any egg or egg product, unless it is denatured, or otherwise identified as required by Federal regulation to deter its use as human food (7 CFR 59 (January 1, 1995)).
- c) Within the classifications of eggs defined as restricted eggs, only checks and dirties are capable of use as human food, unless they are destroyed or identified and labeled for animal food. Checks and dirties shall be sold direct or indirect only to an official plant. However, a producer may sell on his own premises, where eggs are produced, checks and dirties directly to household consumers, for such consumer's personal use and his non-paying guests.
- d) Producer-dealers, packers, handlers, distributors, or retailers shall not sell on or off the premises within the State any restricted eggs

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- to any person, including consumers, institutional consumers or employees.
- e) Restricted eggs will not be given free to any person including but not limited to institutional consumers, charitable organizations, or any employee whereby they may be used for human food.
- f) Restricted eggs may be designated for animal food only when properly decharacterized or denatured to preclude their use in food for human consumption, and each container or receptacle shall be labeled "Restricted eggs, Not to be used as human food". However, restricted eggs which are not decharacterized or denatured may be moved from one U.S. Department of Agriculture licensed plant to another U.S.D.A. licensed plant.
- g) Inedible and loss eggs must be denatured at point and time of segregation. If the liquid is removed from the shells, approved denaturant must be placed in the receptacle provided, before the liquid is added. If loss eggs are placed on fillerflats or in flats and fillers, or in any other manner, each layer of eggs must be denatured before another one is started. However, inedible and loss eggs under U.S. Department of Agriculture inspection and control shall be handled in accordance with U.S.D.A. recommendations.
- h) Checks and dirties must be conspicuously labeled at point and time of segregation with a placard or other device. Full or partial master cases containing checks and dirties must be labeled before transfer to the cooler.
- i) Producer-dealers with less than 3000 birds or any producers, regardless of size, who do no candling and grading, are not required to register under the Federal Egg Products Inspection Act. Producer-dealers with less than 3000 birds who candle and grade eggs must be licensed by the State and therefore be subject to these rules as they apply to restricted eggs.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.200 Denaturants

Illinois standards for use of denaturants shall be those as required by the Federal Egg Products Inspection Act (21 U.S.C.A. 1039-67/29/72) and its rules (7 CFR 59.504(c) (January 1, 1995), ~~May 17-1998~~).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.210 Egg Inspection Fee

- a) An inspection fee of 5¢ per case (30 dozen equals a case) or fraction thereof shall be imposed on all eggs bearing a designated size and grade which are offered for sale or sold in the State of Illinois.

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- b) The first handler ~~of any eggs offered for sale or sold~~ in Illinois who packed and sold the eggs shall pay the prescribed inspection fee on such eggs. In the event that the eggs are shipped into Illinois, the handler who invoiced the eggs to Illinois ~~last-out-of-state-handler-or distributor~~ shall pay the fee.
- c) The handler paying the inspection fee shall charge on each sales invoice the amount of the inspection fee as the transaction in addition to the price of the eggs.
- d) Eggs sold or shipped out of the State of Illinois are exempt from inspection fees.
- e) The inspection fee shall be paid only once on the same quantity of eggs so long as said eggs maintain their identity by remaining in their original case, carton or container.
- f) Persons responsible for the payment of the inspection fees shall report every three months the number of master containers (cases of 30 dozen eggs per case) of eggs subject to the inspection fee on forms supplied by the Department. Exception: Persons selling less than 600 master containers of eggs per year subject to the inspection fee shall report the number of master containers sold and remit fees on an annual basis at the time of license renewal. Such reports shall be accompanied by a remittance in an amount corresponding to said number of master containers at the rate prescribed per master container.
- 1) In the events below, the Director shall summon the delinquent person or firm to an administrative hearing in Springfield whereby his license may be suspended or revoked:
- A) the quarterly report is established as being false or incorrect, or
- B) the report is not received within 30 days of the due date.
- 2) The quarters are as follows: January 1st to March 31st; April 1st to June 30th; July 1st to September 30th; October 1st to December 31st.

- g) The inspection fee applies to all eggs identified with a consumer Grade "AA", "A", or "B" packed loose or packaged in cartons.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.220 Illinois Grade Standards

The standards for shell eggs for the State of Illinois shall be those standards as set by the United States Department of Agriculture for shell eggs (see 7 CFR 56 (January 1, 1995), ~~May 17-1998~~).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 65.230 Administrative Hearings (Repealed)

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All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1997 ch. 127, pars. 1-101) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, contested cases, declaratory rulings, and availability of Department's files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules. The final administrative decision of the Department (see 8 Ill. Adm. Code 1-75(k) and 1-340) shall be subject to Section 19 of the Act.

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: Quarterly Statement of Affairs
- 2) Code Citation: 38 Ill. Adm. Code 371
- 3) Section Numbers:

	<u>Proposed Action:</u>
371.10	New Section
371.20	New Section
371.30	New Section
371.40	New Section
371.50	New Section
371.60	New Section
- 4) Statutory Authority: Section 48 of the Illinois Banking Act (205 ILCS 5/48).

5) Complete Description of the Subjects and Issues Involved: The subject of this Rule is the filing of quarterly statements of affairs by Illinois state banks and foreign banking corporations with certificates to conduct banking business in Illinois. The issues addressed in this Rule are: (1) the form and content of the statement of affairs; (2) the publication of the statement of affairs in a newspaper for the benefit of bank customers or potential customers; (3) the required evidence of publication; and (4) the delineation of additional information that the Commissioner may request from such banks, with no publication required, in order to perform the Commissioner's confidential bank supervisory mission. With respect to the form and content of the statement of affairs, the Commissioner has included financial information which the Commissioner and other banking regulators deem most relevant and which will inform bank customers of potential customers of the overall condition of the bank--total assets, total loans, total deposits, total non-deposit liabilities, and equity capital. These figures provide customers with information concerning the volume of the bank's deposit-taking and lending activity and the amount of shareholder equity which is available for protection of depositors before reliance upon deposit insurance. The description of publication is derived from the statutory definition of "published" with the additional guidance that the bank, when choosing which of many alternative newspapers is eligible to publish its statement of affairs, should select a newspaper that is likely to be read by a significant number of the bank's customers. The evidence of publication will be a traditional publisher's certificate with which newspapers and banks are familiar. Finally, the Commissioner distinguishes between information requested pursuant to Section 47, which must be published, and other information that the Commissioner requests pursuant to Section 48 to assist in the examination and supervision process. Most information requested pursuant to Section 48 is confidential and not appropriate for public disclosure, much less publication in a newspaper.

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- 6) Will this proposed Rule replace an emergency Rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed Rule contain incorporations by reference? Yes
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

Dale R. Turner
Assistant General Counsel
Commissioner of Banks and Trust Companies
310 South Michigan Avenue, Suite 2130
Chicago, IL 60604
(312) 793-2043

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Department of Commerce and Community Affairs has determined that state banks are not small businesses. Therefore, the proposed rule was not submitted to the Business Assistance Office.

B) Types of small businesses affected: Small businesses are not affected by this rule.

C) Reporting, bookkeeping or other procedures required for compliance: N/A

D) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

PART 371

QUARTERLY STATEMENT OF AFFAIRS

Section

371.10 Purpose

371.20 Definitions

371.30 Statement of Affairs Form

371.40 Publication

371.50 Evidence of Publication

371.60 Other Documents, Books, Accounts or Papers

AUTHORITY: Implementing Sections 2, 47, 48(4) and 48(6), and authorized by Section 48(6), of the Illinois Banking Act [205 ILCS 5/2, 47, 48(4) and 48(6)].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 9194, effective June 30, 1995, for a maximum of 150 days; adopted at 19 Ill. Reg. _____, effective _____.

Section 371.10 Purpose

Section 47 of the Illinois Banking Act requires that all State banks make and publish a full and accurate statement of their affairs at least 1 time during each calendar quarter, and pursuant to Section 3 of the Foreign Banking Office Act foreign banking corporations are subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed under the Illinois Banking Act upon a State bank [205 ILCS 645/3]. The purpose of this Rule is to prescribe the form for the quarterly statement as authorized by Section 47, to specify where such publication shall be accomplished, to provide evidence of publication and to require State banks to provide other documents and papers to the Commissioner pursuant to Section 48.

Section 371.20 Definitions

"Asset Maintenance Ratio" means the ratio of eligible assets to liabilities requiring cover that a foreign banking corporation maintains pursuant to Section 13 of the Foreign Banking Office Act [205 ILCS 645/13].

"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis, as determined by federal law (12 U.S.C. 1813(q)).

"Commissioner" means the Illinois Commissioner of Banks and Trust

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Companies.

"Community" means the city, village, or incorporated town in this State in which the bank is located [205 ILCS 5/2].

"Foreign Banking Corporation" means a bank organized and operating under the laws of a country other than the United States of America [205 ILCS 645/2.05] which possesses a certificate of authority from the Commissioner pursuant to the Foreign Banking Office Act [205 ILCS 645].

"Publish" means the publishing of the notice or instrument referred to in some newspaper of general circulation in the community in which the bank is located one time in each quarter [205 ILCS 5/2 and 47].

Section 371.30 Statement of Affairs Form

a) Each State bank shall complete a statement of affairs in the following form and shall file one copy with the Commissioner and shall cause to be published a copy of the statement of affairs once in each quarter.

Statement of Affairs: Name of Bank, Address, at the close of business on [date], published in response to call made by Commissioner of Banks and Trust Companies, pursuant to 205 ILCS 5/47.

Assets \$____; Total Loans \$____; Total Deposits \$____; Total Non-deposit Liabilities \$____; Equity Capital \$____.

I, [name], [title], of the above-named bank, do hereby declare that this Statement of Affairs is true and correct to the best of my knowledge and belief.

[name]

A more comprehensive statement of affairs is available at the bank as required by the appropriate federal banking agency.

b) A State bank that is not required by any appropriate federal banking agency to maintain a more comprehensive statement of affairs may omit the last sentence of the form specified in subsection (a) of this Section 371.30.

c) Each foreign banking corporation that has procured a certificate of authority pursuant to the Foreign Banking Office Act shall complete a statement of affairs in the following form and shall file one copy with the Commissioner and shall cause to be published a copy of the statement of affairs once in each quarter.

Statement of Affairs: Name of Bank, Address, at the close of business on [date], published in response to call made by Commissioner of Banks and Trust Companies, pursuant to 205 ILCS 5/47.

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Assets \$____; Total Liabilities to Nonrelated Parties \$____; Asset Maintenance Ratio ____.

I, [name], [title], of the above-named foreign banking corporation, do hereby declare that this Statement of Affairs is true and correct to the best of my knowledge and belief.

[name]

d) All dollar amounts in a statement of affairs form specified in either subsection (a) or (c) of this Section 371.30 shall be stated in thousands of dollars.

Section 371.40 Publication

Each State bank and each foreign banking corporation shall publish the statement of affairs specified in Section 371.30 in a newspaper of general circulation which circulates within the community that the bank serves and which the bank determines is among the newspapers read by a substantial percentage of the bank's customers.

Section 371.50 Evidence of Publication

Each state bank and foreign banking corporation, after having published the statement of affairs, shall obtain a certificate evidencing the required publication on a form prescribed by the Commissioner and shall provide a completed copy of such certificate to the Commissioner within the time prescribed by the Commissioner in the call for such statements.

Section 371.60 Other Documents, Books, Accounts or Papers

In addition to the statement pursuant to Section 47 of the Illinois Banking Act and Section 371.30 of this Part, the Commissioner may, as authorized by Section 48 of the Illinois Banking Act, request from any or all State banks or foreign banking corporations such other documents, books, accounts or papers as the Commissioner deems necessary or helpful in supervising that State bank or all State banks, or that foreign banking corporation or all foreign banking corporations, and such other documents, books, accounts or papers shall not be subject to publication pursuant to Section 371.40 of this Part.

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- 1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems

- 2) Code Citation: 83 Ill. Adm. Code 725

- 3) Section Numbers: Proposed Action:

725.100 New Section
 725.105 New Section
 725.200 New Section
 725.205 New Section
 725.210 New Section
 725.215 New Section
 725.220 New Section
 725.225 New Section
 725.300 New Section
 725.305 New Section
 725.400 New Section
 725.500 New Section
 725.505 New Section
 725.600 New Section
 725.605 New Section
 725.610 New Section
 725.615 New Section
 725.620 New Section
 725.700 New Section
 725.800 New Section
 725.805 New Section
 725.810 New Section
 725.APPENDIX A New Section

- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

- 5) A Complete Description of the Subjects and Issues Involved: Part 725 was originally adopted by the Commission to implement the Emergency Telephone System Act by providing technical and operational standards for the development of local agency systems. Part 725 was adopted in 1979 and amended once in 1981. There have been a number of amendments to the Act since the last amendment of Part 725, and the telecommunications industry has undergone structural and technological evolution since the last amendment of Part 725. Given these changes, the Commission is concurrently proposing the repeal of the current rules elsewhere in this issue of the *Illinois Register* and proposing the adoption of a new Part 725, so that the rules reflect both current law and the current state of the telecommunications industry.

- 6) Will these proposed rules replace emergency rules currently in

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effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Do these proposed rules contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: The Emergency Telephone System Act requires the Commission to establish technical and operational standards for the development of local agency systems. These standards are to be applied to the systems operated by local governmental agencies such as cities and counties. Without the setting of standards for the State on a State-wide basis, there will be no uniformity of operations. The Act contemplates that these standards will be applied to the units of local government operating the systems. The statute does contemplate the imposition of a surcharge on telephone customers to pay for the systems, so that it is possible to operate an emergency system without resorting to using local revenues derived from sources other than the surcharge.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
 Chief Clerk
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62706
 (217) 782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed rules will affect those small municipalities that operate emergency telephone systems within the State of Illinois and those local exchange telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping and reporting procedures.

C) Types of professional skills necessary for compliance: Managerial

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1995

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The full text of the Proposed Rules begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 725

STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section
725.100 Application of Part
725.105 Definitions

SUBPART B: AUTHORIZATION TO OPERATE

Section
725.200 General Requirements
725.205 Tentative Plans
725.210 Final Plans
725.215 Order of Authority
725.220 Records and Reports
725.225 Auditing

SUBPART C: MANAGEMENT AND STAFFING

Section
725.300 Management Systems
725.305 Commission Liaison

SUBPART D: STANDARDS OF SERVICE

Section
725.400 General Standards

SUBPART E: ENGINEERING

Section
725.500 Telecommunications Carriers
725.505 Public Safety Answering Point

SUBPART F: OPERATIONS

Section
725.600 System Review
725.605 Written Operating Procedures
725.610 Call Handling Procedures
725.615 Electronic Communication Devices

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725.620 Disaster Procedures

SUBPART G: FACILITIES

Section
725.700 Physical Security

SUBPART H: SURCHARGE

Section

725.800 Assessment of Surcharge

725.805 Surcharge Billing

725.810 Telecommunications Carrier Monthly Report to the Emergency Telephone System Board

APPENDIX A Telecommunications Carrier Monthly Report to ETSB

AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted at 4 Ill. Reg. 2, p. 163, effective December 31, 1979; amended at 5 Ill. Reg. 889, effective January 9, 1981; codified at 8 Ill. Reg. 12188; Part repealed at 19 Ill. Reg. _____, effective _____; new Part adopted at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 725.100 Application of Part

- a) This Part shall apply to all public agencies, public safety agencies, and telecommunications carriers in the State of Illinois except to the extent of any exemptions conferred by law.
- b) If unreasonable hardship to a public agency or to a telecommunications carrier results from complying with any regulation in this Part, application may be made to the Commission for modification of the rule, or for temporary exemption from its requirement.

Section 725.105 Definitions

In the interpretation of this Part, the following definitions shall be used.

"A' Links" - Message trunks capable of providing ANI connecting the serving central office of the 9-1-1 calling party and the designated 9-1-1 tandem control office.

"Access Line" - The connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and

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interexchange telecommunications service.

"Aid Outside Normal Jurisdiction Boundaries Agreement" - A written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, such unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Alternate Routing" - Alternate routing allows 9-1-1 calls to be alternatively rerouted to another Public Safety Answering Point (PSAP) location in the case of overflow calls on the "B" link or PSAP failure.

"Audible Signal" - A buzzer, bell or tone device used to alert an individual that appropriate action is required.

"Automatic Alarm and Automatic Alerting Device" - Any device which will access the 9-1-1 system for emergency services upon activation and does not provide for two-way communication.

"Automatic Location Identification" or "ALI" - In an E9-1-1 system, transmission of the originated caller's service address.

"Automatic Number Identification" or "ANI" - Automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"B' Links" - The special service circuits between the 9-1-1 tandem control offices and the PSAP(s).

"Backup PSAP" - A Public Safety Answering Point which serves as an alternate to the primary PSAP for enhanced systems and is located at a different location than the municipality's(es)/county's(es) primary PSAP providing the service, which will accept overflow calls and calls that are rerouted due to "B"-link failure or because the primary PSAP is disabled.

"Basic 9-1-1" - A general term which refers to an emergency telephone system which automatically connects a person dialing the digits "9-1-1" to an established PSAP through normal telephone service facilities.

"Billing Concession" - A telecommunications carrier service where employees are offered services at discounted rates.

"Busy Hour" - The two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

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"Busy Tone" - An audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

"Call Box" - A device that is normally mounted to an outside wall of the serving telecommunications carrier central office and designed to provide emergency on-site answering by authorized personnel at the central office location in the event a central office is isolated from the PSAP.

"Called Party Hold" - A telephone service feature that enables the called party to maintain a connection, even if the calling party has hung up, on any circuit so equipped.

"Call Referral" - A 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" - A 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" - A 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.

"Central Office" - A switching office/facility in a telephone system which provides service to the general public, having the capability of terminating and interconnecting subscriber lines and/or trunks.

"Centrex-type Service" - A telecommunications carrier central office based service with characteristics similar to those of private branch exchange type systems. When making an emergency call from a Centrex phone, it is necessary to dial an outside access code, typically the digit 9, before dialing the 9-1-1 emergency number.

"Commission" - The Illinois Commerce Commission.

"Control Office" - The control office controls the switching of ANI and selective routing information to the appropriate PSAP. The control office serves as a tandem switch in the 9-1-1 network.

"Dedicated Direct Trunking" - An arrangement where a telephone line connection has no intermediate switching points between the originating central office and PSAP location. The facilities utilized in this arrangement may be either intra- or inter-exchange.

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"Default Routing" - A feature which allows 9-1-1 calls to be routed to a designated default PSAP if the incoming 9-1-1 call cannot be selectively routed due to ANI failure, garbled digits, or other causes which prevent selective routing.

"Direct Dispatch" - A 9-1-1 service which provides for the direct dispatch by a PSAP telecommunicator of the appropriate unit(s) upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"9-1-1 Tandem Office" - A telecommunications carrier switching office or stand alone selective routing switch equipped with enhanced 9-1-1 service capabilities. This switch serves as an 9-1-1 tandem office for 9-1-1 calls from other local offices in the 9-1-1 service area.

"Emergency Call" - A telephone request for emergency services which requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property, and such other situations as are determined by local custom.

"Emergency Service Number" or "ESN" - An ESN is a three to five digit number representing a unique combination of emergency service agencies designated to serve a specific range of addresses within a particular geographical area.

"Emergency Telephone System Board" or "ETSB" - A board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act (ETSA). The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" - A general term which refers to an emergency telephone system with specific electronically controlled features such as ALI, ANI or Selective Routing, and which uses the master street address guide (MSAG) geographic files.

"Exempt Lines" - Exempt lines are lines other than those for which a 9-1-1 surcharge may be imposed under the criteria set forth in Section 15 of the ETSA [50 ILCS 750/15]. Exempt lines include, but are not limited to, telecommunications carrier official lines.

"Forced Disconnect" - A feature which allows the PSAP to release a telephone connection, even though the calling party has not been disconnected, to avoid caller jamming of the incoming trunks.

"Grade of Service" - The probability (P), expressed as a decimal

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fraction, of a telephone call being blocked. P.01 is the grade of service reflecting the probability that one call out of one hundred will be blocked.

"Idle Circuit Tone Application" - A feature which applies a distinctive tone toward the PSAP attendant to distinguish between calls that have been abandoned before the attendant answers and calls where the caller is unable to speak for some reason.

"Key Telephone System" - A telephone system, usually with a small number of lines and stations, in which each station functions as a switch and permits users a choice over the outgoing line on which to place a call.

"Local Exchange Carrier" or "LEC" - A telecommunications carrier under the Public Utilities Act that provides local exchange telecommunications services as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204], except a telecommunications carrier that is owned or operated by one or more political subdivisions, public or private institutions of higher education or municipal corporations of this State.

"Local Loop" - A channel between a customer's network interface and its serving central office. The most common form of loop, a pair of wires, is also called a line.

"Logging Recorder" - A machine that records both sides of telephone and radio transmissions.

"Master Street Address Guide" or "MSAG" - The computerized geographical file which consists of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. It is to match an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Mechanical Dialer" - A device that either manually or remotely triggers a dialing device to access the 9-1-1 system.

"Network" - The aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks, and associated switching facilities.

"Network Connections" - A voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, which would be required

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to carry the subscriber's inter-premises traffic. The connection either:

is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or

if no system exists at the time a surcharge is imposed under Section 15.3 of the Emergency Telephone System Act [50 ILCS 750/15.3], would be capable of providing access through the public switched network to the local 9-1-1 system if one existed.

"Network Segment" - A portion of the network in which there are no intermediate switching points. "A" links and "B" links are network segments.

"9-1-1 System" - The geographic area that has been granted an order of authority by the Commission to use "9-1-1" as the primary emergency telephone number.

"On-line Date" - A date that is agreed to by all parties as to when a 9-1-1 system is activated for the public.

"Order of Authority" - A formal order of the Commission which authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Originating Switchhook Status Indication" - An audible and/or visual indication of the status of a calling party being held.

"Overflow" - A call or position used when a call is blocked or rerouted due to excessive traffic.

"Primary Point of Contact" - The entity designated by the system management as the contact point for the participating local exchange carrier(s).

"Private Branch Exchange" or "PBX" - A telephone switchboard with many stations not individually connected to the local exchange carrier switching network.

"PSAP" - Public Safety Answering Point, sometimes called a Center or 9-1-1 Center; the initial answering location of a 9-1-1 call.

"Public Agency" - The State, or any unit of local government or special purpose district located in whole or in part within this State, which provides police, firefighting, medical or other emergency services or has authority to do so.

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"Public Safety Agency" - A functional division of a public agency which provides police, firefighting, medical or other emergency services.

"Ringback" - A feature used in conjunction with "Called Party Hold" that allows the PSAP telecommunicator to ringback the caller who has disconnected before the necessary emergency data has been obtained.

"Ringback Tone" - A tone returned to the caller to indicate that a central office is providing ringing current to the called party's circuit.

"Route Diversity" - Two or more separate routes of communication arranged to reduce the possibility that, in the event of facility damage or failure, there would be any interruption of communications.

"Secondary PSAP" - A location where a 9-1-1 call is transferred for dispatching purposes.

"Selective Routing" - A switching system which automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Service Address" - The location of the primary use of the network connection or connections.

"Surcharge" - An amount levied by the corporate authorities of any municipality or county on billed subscribers of network connections for installing and maintaining an Enhanced 9-1-1 system.

"System Management" - The ETSB that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act. If no ETSB is established, then those persons given the authority to operate the 9-1-1 system by the local public agencies.

"System Provider" - An entity providing 9-1-1 network or selective routing or database services.

"Tandem Trunking" - An arrangement whereby an E9-1-1 call is routed from a central office to the 9-1-1 tandem control office to the PSAP.

"TDD" - A telecommunications device for the deaf. See "TTY."

"Telecommunications Service" - Shall have the same meaning as defined in Section 13-203 of the Public Utilities Act (220 ILCS 13-203).

"Telecommunications Carrier" - Shall have the same meaning as defined

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in Section 13-202 of the Public Utilities Act [220 ILCS 13-202]. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns.

"Telecommunicator" - A person who is trained and employed in public safety telecommunications. The term applies to complaint telephone operators, radio operators, data terminal operators or any combination of such functions in a PSAP.

"Terminal Equipment" - Telephone station apparatus.

"Transfer" - A feature which allows the PSAP telecommunicator to transfer E9-1-1 calls to a specific location or secondary PSAP.

"Trunk" - A circuit used to connect a call between central offices.

"TTY" - A teletypewriter, a device which employs graphic or braille communication in the transmission of coded signals through a wire or radio communication system.

"Uninterruptible Power Source" - An emergency power source which can detect any change in power line frequency or voltage and automatically compensates for these changes by supplying additional power or converting to an auxiliary power source, without any loss of voltage or frequency.

SUBPART B: AUTHORIZATION TO OPERATE

Section 725.200 General Requirements

- a) All tentative and final plans for 9-1-1 systems shall be filed in compliance with this Part and the Emergency Telephone System Act [50 ILCS 750].
- b) Tentative plans shall be submitted to the Commission's 9-1-1 Emergency Telephone Section for review as detailed in Section 725.205(c) through (e).
- c) Final plans shall be formally submitted to the Commission for approval as detailed in Section 725.210(a) through (f) (See 83 Ill. Adm. Code 200, "Rules of Practice").
- d) A 9-1-1 system shall not become operational without an order of authority from the Commission.
- e) Modification of the boundaries of an existing system or of the participants in an existing system shall be reported to the Commission, as prescribed in Section 725.210(d). Where modifications would result in the addition of a public agency as a participant in an existing system and such public agency is not exempt by law from submitting a plan for approval, such participation is subject to Commission approval and shall be approved provided that the petitioner

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- has complied with all requirements of this Part and applicable laws.
- f) Except for E9-1-1 systems, the outline of a 9-1-1 system must coincide with applicable telephone service area limits, which shall consist of the entire telephone exchange.
- g) *The Emergency Telephone System Board in counties passing referendums and the Chairman of the County Board in counties implementing a 9-1-1 system shall be responsible to insure that all areas of the county are served [50 ILCS 750/10.2].*
- h) Modification to an approved application or system other than the items listed in Section 725.200(e) should be submitted to the Commission's 9-1-1 Emergency Telephone Section in writing no later than 10 days after the change.

Section 725.205 Tentative Plans

- a) A local public agency proposing to operate a 9-1-1 system shall first hold an informational meeting. Such meeting may include:
- 1) each public agency having jurisdiction in the exchange or exchanges of the proposed system;
 - 2) each public safety agency having jurisdiction in the exchange or exchanges of the proposed system;
 - 3) each LEC providing the exchange or exchanges in the proposed service area;
 - 4) recognized emergency medical planning groups, e.g., Area Wide Hospital Emergency Services (AHES);
 - 5) any other emergency service providers and planning agencies deemed necessary by local desire; and
 - 6) any telecommunications carrier providing 9-1-1 related services.
- b) Such additional meetings as are necessary shall be held between the proposed served agencies and the telecommunications carrier(s) serving the proposed 9-1-1 service area to determine the system design.
- c) Tentative plans shall consist of a narrative of the proposed system's operation and a completed "Application to Illinois Commerce Commission For the Provision of 9-1-1 Service," consisting of the following exhibits:
- 1) Exhibit 1: A map showing the boundaries of the proposed system;
 - 2) Exhibit 2: A map or maps showing the jurisdictional boundary of each system participant and adjoining public agencies and public safety agencies;
 - 3) Exhibit 3: A list of system participants showing the land area(s) in square miles and the estimated population served in their jurisdictions, including their addresses, telephone numbers and form of dispatch;
 - 4) Exhibit 4: A list of the public agencies or public safety agencies adjacent to the proposed system boundaries, including their addresses and telephone numbers;
 - 5) Exhibit 5: A list of the involved LEC(s), their exchange(s) in the proposed system, prefix(es) involved, and type of 9-1-1

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- system as specified in Section 725.500(g);
- 6) Exhibit 6: Identification of financial arrangements including revenues available for funding the 9-1-1 system;
- 7) Exhibit 7: A summary of the anticipated implementation cost and annual operating cost of the proposed system which are directly associated with the 9-1-1 call handling process. Copies of contractual agreements between System Management and any telecommunications carriers shall be included;
- 8) Exhibit 8: Call Handling Agreements: Copies of the proposed agreements between the PSAP and the public agencies and/or public safety agencies in a single system. Copies of the proposed agreements between PSAPs in adjacent systems or, in the absence of a PSAP, the public agencies or public safety agencies whose jurisdictional boundaries are contiguous. These agreements shall indicate the primary and secondary methods to be employed for notification of emergency calls received from requesting parties within their respective jurisdictions and shall include either direct dispatch, call referral, call relay, or call transfer;
- 9) Exhibit 9: Aid Outside Normal Jurisdictional Boundaries: A copy of the proposed annual agreement between the PSAP management and all public agencies and/or public safety agencies in a single system and in different systems but whose jurisdictional boundaries are contiguous. This agreement shall provide that, once an emergency unit is dispatched in response to a request through the system by direct dispatch, call referral, call relay, or call transfer, such unit shall render its service to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. A copy of both agreements shall be filed with the Chief Clerk of the Commission at the time the petition is filed; and
- 10) Exhibit 10: A completed checklist supplied by the Commission (completed to the extent possible in consideration of the tentative plan).
- d) A copy of the tentative plan shall be filed for review by the Commission no later than 120 days after implementation of the approved surcharge or the signing of a contract or letter of intent with system provider(s), whichever comes first, but no later than one year prior to the on-line date. A copy of the tentative plan shall also be provided to the telecommunications carrier(s) providing service within the service area of the PSAP. The Commission's 9-1-1 Emergency Telephone Section shall review each tentative plan and provide an opinion to the originating agency within 120 days after receipt.
- e) Approval of tentative plans by the Commission's 9-1-1 Emergency Telephone Section shall be required prior to a final plan being submitted. Plans filed under Section 11 of the EMTA shall conform to minimum standards as established pursuant to Section 10 of the EMTA.

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Section 725.210 Final Plans

- a) The petitioner may request a hearing waiver as outlined below. The Commission, however, shall hold such hearings to formally review the final plan and shall either approve or disapprove the plan. The hearing shall be waived if requested by the petitioner and if neither Commission staff nor any other party objects to the hearing waiver.
- b) The following procedures must be taken in requesting a waiver of the Commission's hearing process:
 - 1) The waiver request shall be stated in the cover letter to the Chief Clerk and in the petition. Replacement language to be inserted as (1) in the petition shall be:

Review the final (or modified) plan based on the information submitted in the application and allow the parties involved to waive a hearing on the matter.
 - 2) Publish a notice in the local newspaper(s) of general circulation at least 10 days prior to filing the application with the Commission. The notice shall appear in newspaper(s) whose circulation covers all municipalities within the proposed system and those adjacent to the proposed system. A proof of publication from the newspaper(s) shall be enclosed with the application.
 - 3) Notify all adjacent agencies of the intent to file a plan with the Commission for a 9-1-1 emergency telephone system. This letter shall state petitioner's address and telephone number and the Commission's 9-1-1 Emergency Telephone Section address and telephone number for purposes of additional information or objections to the plan. Copies of these letters shall be attached to the submitted plan.
 - 4) An affidavit from the serving telecommunications carrier(s) that all information contained in the application is correct. The affidavits must be signed and notarized and submitted with the petition.
 - c) Final plans submitted to the Commission shall have the concurrence of their participants.
 - d) Final plans shall consist of a narrative of the proposed system's operation and a completed "Application to Illinois Commerce Commission For the Provision of 9-1-1 Service" consisting of the following exhibits:
 - 1) Exhibit 1: A map showing the boundaries of the proposed system;
 - 2) Exhibit 2: A map or maps showing the jurisdictional boundary of each system participant and adjoining public agencies and public safety agencies;
 - 3) Exhibit 3: A list of system participants, the land area(s) in square miles and the estimated population served in their jurisdictions, including their addresses, telephone numbers and form of dispatch;
 - 4) Exhibit 4: A list of the public agencies or public safety

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agencies adjacent to the proposed system boundaries, including their addresses and telephone numbers;

- 5) Exhibit 5: A list of the involved LEC(s), their exchange(s) in the proposed system, prefix(es) involved and type of 9-1-1 system as specified in Section 725.500(g);
 - 6) Exhibit 6: Identification of the financial arrangements including revenues available for funding the 9-1-1 system;
 - 7) Exhibit 7: A summary of the anticipated implementation cost and annual operating cost of the proposed system which are directly associated with the 9-1-1 call handling process. Copies of contractual agreements between System Management and any telecommunications carriers shall be included.
 - 8) Exhibit 8: Call Handling Agreements: Copies of the signed agreements between the PSAP and the public agencies and/or public safety agencies in a single system. Copies of the signed agreements between PSAPs in adjacent systems or, in the absence of a PSAP, the public agencies or public safety agencies whose jurisdictional boundaries are contiguous. These agreements shall indicate the primary and secondary methods to be employed for notification of emergency calls received from requesting parties with their respective jurisdictions and shall include either direct dispatch, call referral, call relay, or call transfer;
 - 9) Exhibit 9: Aid Outside Normal Jurisdiction Boundaries: A copy of the signed annual agreement between the PSAP management and all public agencies and/or public safety agencies in a single system and in different systems but whose jurisdictional boundaries are contiguous. This agreement shall provide that, once an emergency unit is dispatched in response to a request through the system by direct dispatch, call referral, call relay, or call transfer, such unit shall render its service to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. A copy of both agreements shall be filed with the Chief Clerk of the Commission at the time the petition is filed; and
 - 10) Exhibit 10: A completed checklist supplied by the Commission.
- e) Final plans shall be formally submitted to the Commission for approval no later than six months prior to the planned on-line date.
 - f) The Commission shall approve final plans when the petitioner has complied with the requirements of this Part and applicable laws.

Section 725.215 Order of Authority

System management of a proposed 9-1-1 system shall file a petition for an order of authority to operate a 9-1-1 system as detailed and described in its final plan. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.

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Section 725.220 Records and Reports

a) The system management shall maintain such records as it considers necessary to document its operations and satisfy the requirements of interagency agreements. As a minimum, such records shall include:

- 1) a log of major system operations;
- 2) critical equipment outages; and
- 3) records of telecommunications carrier(s) database queries by system management.

b) The records specified in subsection (a) of this Section shall be preserved for a minimum of one year.

c) The system management shall be required to file with the Commission's 9-1-1 Emergency Telephone Section by January 31 the following items:

- 1) the current 9-1-1 contact person for the 9-1-1 system;
- 2) the current error ratio for the 9-1-1 database;
- 3) the current surcharge being collected;
- 4) the current makeup of the Emergency Telephone System Board;
- 5) the current networking for the 9-1-1 system; and
- 6) copies of the annual certified notification of continuing agreement.

Section 725.225 Auditing

The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.

SUBPART C: MANAGEMENT AND STAFFING

Section 725.300 Management Systems

The form of management a system will use shall be determined by its system management. There may be joint powers, contractual, or a combination of management forms.

Section 725.305 Commission Liaison

Each 9-1-1 system shall designate an individual as the Commission liaison for the system. The Commission's Emergency Telephone Section shall be notified of any change in the name of this liaison and of any change in the telephone number or address within ten days after such change.

SUBPART D: STANDARDS OF SERVICE

Section 725.400 General Standards

a) The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary seven digit emergency backup number for

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at least six months after the 9-1-1 system is in operation and shall maintain a separate number for non-emergency telephone calls.

b) Database queries will only be allowed for purposes of dispatching or responding to 9-1-1 emergency calls or for database integrity verification as set forth in subsection (d)(3) through (5) of this Section.

c) Prior to an initial database integrity verification, system management shall obtain a court order detailing the information which is to be disclosed and the reason for disclosure.

d) The 9-1-1 database shall have the capability of allowing non-emergency database queries provided the following procedures are adhered to:

- 1) The system management shall be responsible for providing a level of security and confidentiality to the database which will prohibit any persons the means to access the database on a random inquiry;

- 2) Direct access to 9-1-1 database information will be under strict control and, where the hardware being used is compatible, a password will be assigned for access;

- 3) Non-emergency queries shall be by telephone number only and as necessary for purposes of database integrity. Non-emergency queries in excess of 10 per 24-hour period will only be done with

- 2 or more days advance notice to the respective telecommunications carrier system administrator for scheduling purposes. Queries may be for the specific purpose of cross-checking information in the 9-1-1 database with other sources of information, including telephone and other directories, maps, municipal database listings, etc; and for verifying that database update information provided to the telecommunications carrier has indeed been posted and is correct. Queries will only be made on numbers that are present within the 9-1-1 system as identified in the Illinois Commerce Commission's order of authorization for the 9-1-1 system. On-site databases are exempt from telecommunications carrier advance notification requirements of this Section;

- 4) Information retrieved will be used exclusively for the maintenance, update, and verification of the 9-1-1 database. Any other use is expressly prohibited. The information is subject to strict non-disclosure agreements between the various telecommunications carrier and system management. All personnel associated in any way with the ETSB or the 9-1-1 system are bound by these agreements; and

- 5) Direct database queries shall not adversely affect the normal operation of the 9-1-1 system. Direct database queries shall be limited to off-peak times. Direct database queries shall be suspended during any incident which could possibly result in a number of calls from the public being made to 9-1-1. Direct database queries shall not be made if there is any known outage or impairment in the database system, including a database data

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link outage. Direct queries shall also be suspended if there is any abnormal lag or delay noticed in receiving responses to database queries, or if notified to cease queries by telecommunications carrier personnel. The telecommunications carrier shall treat notification of 9-1-1 system management of database query suspension as a priority. Where practicable, this notification by the telecommunications carrier to 9-1-1 system management shall be made not later than fifteen minutes after a confirmed incident or event which will cause database queries to be suspended.

- e) The system management shall be responsible for the compliance of these standards, overall management, security and coordination of the 9-1-1 system.
- f) Upon a written request of the system management, the LEC(s) shall provide within fourteen working days a report to assist in the validation of the accuracy of the 9-1-1 database. Before this report is delivered to the system management, the system management shall obtain a court order requiring the LEC(s) to release the information. A single court order may be used to comply with this Section and subsection 725.400 (c).

1) This report shall include the following information:

- A) telephone number - area code, prefix, and number in separate fields;
- B) pilot number - single telephone number used to tie multiple numbers within a system together;
- C) service address - including street name, street numbers, suffix, directional, community name, state, zip code, and location and/or descriptive information, including intersection if NSAG is intersection, in separate fields;
- D) billing address - if different than the service address, in separate fields, to be provided on a telephone number only basis pursuant to procedures defined by the telecommunications carrier and the system management. Billing address information shall be subject to non-disclosure agreements;
- E) name - first, last, and middle names or initials in separate fields;
- F) date service was initiated - the month, day, and year that service was initiated in separate fields. If this information is not available, the date reflecting the most current service order activity may be provided instead;
- G) type of service - residential, business, coin, etc.;
- H) PBX/Centrex Extensions/Station Number(s) - identify those numbers that are part of a PBX/Centrex system where such information is available;
- I) surcharge status - where such information is available, the report shall identify those lines on which a surcharge is being collected and the date on which the collection was

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initiated. Identify those lines on which no surcharge is being collected and the reason for each exemption, including telecommunications carrier lines, in separate fields:

- J) Emergency Service Number (ESN) - appropriate ESN, if assigned, is to be made available only from the primary telecommunications carrier providing database development and routing services.

- 2) This report may be requested in writing, at a maximum, on a monthly basis. Information will be gathered from service order activity from the previous month. The information in this report is considered proprietary and shall be used exclusively for validating the accuracy of the 9-1-1 database. This report will be delivered in only ASCII or D-Base III format. It will not be delivered in paper format. There will be a charge for this report, which will be a tariffed item by each telecommunications carrier.

SUBPART E: ENGINEERING

Section 725.500 Telecommunications Carriers

- a) A 9-1-1 telecommunications service provides a terminating only service which connects a person who has dialed the universal emergency service code 9-1-1 to the PSAP assigned to that trunk group. Consistent with the language contained in subsection (c) of this Section, 9-1-1 telecommunications service shall be provided through either dedicated direct trunking or tandem trunking.
- b) Each telecommunications carrier shall file tariffs under Section 9-102 of the Public Utilities Act [220 ILCS 5/9-102] for 9-1-1 Telecommunications Service to be applied to all services peculiar to 9-1-1 installations.
- c) Dedicated direct trunking shall be considered to be the standard method of providing incoming 9-1-1 circuits. Incoming trunks shall initially be designed assuming a minimum offered load of 1.00 CCS (expected traffic load) per 1000 main stations to be served, or a minimum of two trunks, whichever is higher. Within 6 months of the on-line date, each trunk group shall be re-evaluated and maintained to assure 99% completion of calls placed to 9-1-1 during the average busy hour of the average busy day, or a minimum of two trunks, whichever is higher. In the event there is a host/remote central office configuration, additional trunks should be added in either a separate trunk group from each host/remote or consolidated trunk groups based on cost and engineering considerations. Each trunk group should be sized to deliver calls to the selective routing switch being engineered in such a manner that will meet or exceed a p.01 grade of service.
- 1) If dedicated direct trunking is not available from a remote switch, either to the host office or to the 9-1-1 control office

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serving the PSAP(s), use of the umbilical for 9-1-1 will be allowed from the remote to the host. When direct remote trunking is available, dedicated trunk groups shall be provisioned directly from the remote switch.

- 2) Alternative incoming 9-1-1 trunking methods may be utilized by the PSAP if technology and/or local telecommunications facilities can be designed and implemented. The quantity of trunks and related switching components in the telephone network shall be engineered in accordance with good engineering practices and the applicable Commission Standards of Service specified for the interoffice and intertoll network to ensure completion of calls placed to 9-1-1 during the average busy hour of the average busy day. A detailed description of the trunking method to be used must be included in tentative 9-1-1 plans. The approval by the Commission's 9-1-1 Emergency Telephone Section of alternative incoming 9-1-1 trunking methods shall be required by the petitioner prior to submitting the final application.

- d) All 9-1-1 circuits shall be arranged for one way incoming only service to the PSAP. Outbound dialing on 9-1-1 circuits is prohibited.
- e) Telecommunications carriers shall use the Common Language Circuit Identifier "ES" in identification of 9-1-1 telecommunications service "A" link trunks and the circuit identifier "EMNC" shall be used for "B" link circuits to prevent confusion with other special services.
- f) Coin-free dialing shall be provided from all coin telephones within an exchange with 9-1-1 service. Telephone companies shall notify all non-telecommunications carrier providers of 9-1-1 service in the system.

- g) "9-1-1 Telecommunications Service" may be of two types: Basic or Enhanced 9-1-1 or E9-1-1.

- 1) Consistent with the language contained in subsections (c) and (d) of this Section, Basic 9-1-1 telecommunications service shall be provided through either dedicated direct trunking and/or tandem trunking. The features associated with the dedicated direct trunking service shall be according to the following format types:

- A) Type #1 - This is the most basic configuration available, and provides:
- i) no per-call charge,
 - ii) loop-type ringdown signaling toward PSAP,
 - iii) ringback tone to caller, and
 - iv) transmission path for communication between the caller and the PSAP.

- B) Type #2 - This configuration provides all the features of the Type #1 circuit with the following options:

- i) called party hold,
- ii) forced disconnect,
- iii) idle circuit tone application, and
- iv) originating Switchhook Status Indication contingent on

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the installation of appropriate terminal equipment at the PSAP.

- C) Type #3 - This configuration provides all the features of the Type #1 and Type #2 circuits with the addition of ringback of the calling party on a held line.

- D) Type #4 - This configuration provides for optional features beyond those described in the configuration of Type #2 or Type #3. This type of Basic 9-1-1 also requires trunks capable of carrying ANI.

- 2) The E9-1-1 feature provides the capability to serve several PSAPs existing within the 9-1-1 service area with tandem trunking through the E9-1-1 tandem office. The main characteristic of E9-1-1 service is the capability of the E9-1-1 tandem office to selectively route a 9-1-1 call originating from any station in the 9-1-1 service area to the correct primary PSAP. The features associated with tandem trunking in an E9-1-1 System may include the following:

- A) selective routing;
- B) default routing;
- C) alternate routing;
- D) central office transfer;
- E) ANI; and
- F) ALI.

- h) The transmission grade of service on 9-1-1 circuits using inter-exchange facilities shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.520 dealing with interoffice transmission objectives.

- i) The transmission grade of service for the intra-exchange loop portion of any 9-1-1 circuit shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.525 dealing with local loop transmission objectives.

- j) When all 9-1-1 circuits are busy in the originating central office, the switching facility, where equipped to provide the function, shall route the caller to an announcement or busy tone. When an all-trunks busy situation occurs in an intermediate switching facility, that machine shall, where equipped, route the caller to an appropriate backup answering location, announcement, or busy tone.

- k) All telecommunications carriers shall arrange for each of their switching offices to accept the 9-1-1 code no later than two years after a referendum has passed or the signing of a contract or letter of intent in the area that is served by that switching office. When the 9-1-1 code is dialable in a switching office but not providing service, the caller shall receive either live or mechanical intercept service.

- l) No circuits associated with a 9-1-1 system shall be opened, grounded, short circuited, or tested in any manner until maintenance personnel have obtained release of the affected circuit(s) from the appropriate PSAP personnel. Telecommunications carrier(s) maintenance personnel

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will endeavor to advise PSAP personnel regarding the length of time that will be required to perform any work involving circuits associated with a 9-1-1 system.

- m) Each telecommunications carrier shall adopt practices to minimize the possibility of service disruption on all circuits associated with 9-1-1 service to a PSAP. Such practices will provide for circuit guarding at all terminations with protective devices that will minimize accidental worker contact. Such practices shall also contain procedures for physical identification of all 9-1-1 circuit appearances with special warning tags and/or labels, and identification of circuits in company records.

- n) Prior to a 9-1-1 system going on-line, each telecommunications carrier is responsible for having in its records a contact number for each PSAP in the event of outage or failure of a 9-1-1 system.

- o) Except as otherwise provided in this Part, call box(es) shall be a part of the 9-1-1 system. Each system shall be engineered and provisioned with call box(es) to adequately serve a system in the event the central office is isolated from the control office or selective router. Call box(es) shall only be provisioned to central offices and to those remote central offices that have the capability to stand alone and function when severed from the host central office. A high priority of attention shall be given to all trouble reports and requested restorals.

- p) Each telecommunications carrier shall adopt practices to notify a primary point of contact within a 9-1-1 system within 15 minutes after a confirmed outage within the system and to also advise the primary point of contact as to the magnitude of the outage. If more than one 9-1-1 system is served out of a central office, the telecommunications carrier shall make notification to a primary PSAP within each 9-1-1 system affected.

- q) Each telecommunications carrier shall adopt practices to notify a primary point of contact within a 9-1-1 system within 15 minutes after the confirmed restoration of 9-1-1 services.

Section 725.505 Public Safety Answering Point

- a) All 9-1-1 call answering equipment used by a PSAP must comply with applicable Federal Communications Commission rules, 83 Ill. Adm. Code 740, and local telecommunications carrier tariffs and must be compatible with the LEC's central office equipment and trunking arrangements.

- b) Each PSAP, after consultation with the LEC(s), shall designate an area of adequate size to be used by the LEC for termination of the company's lines and equipment.

- c) Each 9-1-1 circuit will indicate incoming calls by both audible and visible signals. Each outgoing circuit shall have a visual display of its status.

- d) Each 9-1-1 answering position shall have access to all incoming 9-1-1

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- lines and outgoing circuits peculiar to its zone of responsibility.
- e) Call transfer equipment shall be designed to achieve transfers with at least 99.9% completion. (This may require the use of dedicated direct trunking toward the responding agency.) At such time as the telecommunicator verifies that the transfer has been completed and the telecommunicator's services are no longer required, the telecommunicator may manually release himself from the call, provided that the telephone equipment is so designed. A 9-1-1 system should be designed so that a call will never be transferred more than once.

- f) Each PSAP shall have an operational teletypewriter (TDD/TTY), and all PSAP personnel shall be trained in its use. A portable will be held in reserve per 9-1-1 system to replace any malfunctioning TDD/TTY.

- g) Each PSAP shall have at least one overflow answering position to handle those circumstances when the call volume exceeds the capability of the primary telecommunicator position(s). This position must have the capability of being answered by a trained PSAP telecommunicator and be capable of receiving the Enhanced 9-1-1 features if it is a participant in an Enhanced 9-1-1 system. Supervisory positions may be utilized to satisfy this requirement only if the position will be answered by emergency trained personnel. Overflow calls shall be routed to a backup PSAP except as provided for in subsection (i) of this Section.

- h) System management shall provide continuous and uninterrupted operation to the persons within the system's boundaries 24 hours per day.

i) Backup PSAP

- 1) Each 9-1-1 system shall have a backup PSAP. A backup PSAP shall meet the same standards as the primary PSAP except as provided for in subsections (1)(2) and (3) of this Section.

- 2) In a county 9-1-1 system with less than 15,000 billable access lines, where the county has demonstrated that the requirements of subsections (g) and (h) of this Section would place an undue financial burden upon the system, a full feature backup PSAP does not have to be maintained. For those systems, the backup PSAP requirement may be met by one of the following:

A) An unattended PSAP shall have:

- i) the capability to provide 9-1-1 service;
- ii) the communication equipment necessary to dispatch emergency services;
- iii) a backup power supply; and
- iv) the capability to be immediately activated with authorized personnel.

B) Call Box devices only if:

- i) the 9-1-1 system has five or fewer LEC central offices;
- ii) system management has provided the communication equipment necessary to dispatch emergency services; and
- iii) they can be immediately activated with authorized

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personnel.

- 3) 9-1-1 systems with fewer than 15,000 billable access lines that have two or more PSAPs shall meet the standards as outlined in subsections (g), (h), and (i) of this Section. 9-1-1 systems operating under this exemption should, as funds become available, upgrade their backup PSAP capability to meet those standards as specified in subsections (g), (h), and (i) of this Section. When a 9-1-1 system starting with fewer than 15,000 billable access lines increases its billable access lines to 15,000 for a period of 1 year, it shall upgrade to meet the standards as specified in subsections (g), (h), and (i) of this Section.
- j) PSAP telecommunications shall be trained in emergency dispatch procedures as specified by system management to fulfill the responsibilities of their position.
- k) System management shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming 9-1-1 call and any radio transmissions relating to the 9-1-1 call and its disposition. Such recordings shall have the time of each event noted. System management may elect to record on a circuit-by-circuit basis or by way of the telecommunicator's position.
- l) System management shall ensure that each PSAP maintains an archive of the tapes for a minimum of thirty days without recirculation of any tape.
- m) In order for a 9-1-1 plan to be approved, the facility selected for the primary PSAP, backup PSAP, and, where instituted, a secondary PSAP, must be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PSAP, without interruption, for a minimum of four hours.
- n) Where sophisticated telephone equipment or customer premise equipment is implemented and which is not tolerant of power fluctuations or interruptions, and is vital to the PSAPs operation, an uninterruptible power source shall be installed at all PSAP locations.
- o) In some instances, the system management may desire to have route diversity for its telephone circuits. The LEC(s) serving the PSAP shall be responsible for providing the necessary information regarding the availability and cost of this service.
- p) Each PSAP shall have at least one non-published telephone number to be provided to LEC operators, adjoining PSAPs and agencies to advise the PSAP of emergency messages.
- q) System management shall adopt practices to ensure the following:
 - 1) When call box operation is necessary, authorized personnel shall respond to the call box(es) who are trained in the operation of call box procedures;
 - 2) In instances where a call box(es) is situated in split LEC exchanges (an exchange shared with more than one 9-1-1 system or jurisdiction), procedures shall be developed by the 9-1-1 system(s) involved to respond to the call box(es) in instances of

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outages or disasters; and

- 3) That when a primary point of contact is notified by telecommunications carrier personnel that an outage has occurred in a 9-1-1 system, the PSAP being notified must make notification to other PSAPs in the 9-1-1 system that is affected by the outage.
- r) System management shall have the obligation of continual review using recognized administrative, engineering and database security procedures to determine and assure adequate service to the general public in accordance with the Act and this Part.
- s) PSAP employees shall be instructed to be efficient and courteous in the handling of all calls and to comply with the provisions of all applicable federal and State laws in maintaining secrecy of communications.
- t) Each PSAP shall insure that all 9-1-1 emergency calls are answered and handled without preference to the location of the caller.
- u) Where LEC facilities permit, and assignable radio frequencies are available, wireless technology may be considered as an alternative to the call box system capability as required in Section 725.500 (q) of this Part. System management shall be responsible for the identification and licensing of radio frequencies with the Federal Communications Commission; for costs for equipping or for converting any central office within the 9-1-1 system with wireless links that are equal to the number of land based trunks; and for any other equipment necessary to provide emergency communications via wireless technology. When wireless technology is utilized, the wireless links will be activated in the event the central office is severed from the rest of the network. Wireless links shall be provisioned to all central offices that can stand alone and function when severed from the host central office. System management shall coordinate any conversion with the LEC. Approval of the Commission's 9-1-1 Emergency Telephone Section shall be required prior to implementation.
- v) Each PSAP should answer ninety percent of all 9-1-1 calls within ten seconds.
- w) All calls of an administrative or non-emergency nature shall be referred to the appropriate agency's published telephone number. After the referral is made, the telecommunicator shall release the circuit for public use.
- x) A current copy of this Part shall be on file in every PSAP.
- y) Call through testing is required prior to going on-line.
 - 1) Testing shall be for a minimum of two weeks for communities or multi-jurisdictional communities and two weeks for county systems that are served by live 9-1-1 end offices.
 - 2) Testing shall be:
 - A) for a minimum of:
 - i) Four weeks for communities or multi-jurisdictional communities; and
 - ii) Six weeks for county systems that are not currently

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being served 9-1-1 service; or

- B) for a minimum of 80% of all access lines in a system for both communities or multi-jurisdictional communities and county systems.

SUBPART F: OPERATIONS

Section 725.600 System Review

- a) The ETSB where appointed shall act as the advisory or policy board for each 9-1-1 system. If there is no ETSB, each system shall establish an advisory or policy board which shall consist of not fewer than 5 members, one of whom may be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, at least three of whom shall be representatives of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies and appointed on the basis of their ability and experience. Elected officials are also eligible to serve on the board. The board shall serve as the grievance committee for the resolution of disputes.
- b) Any participating agency which feels that adequate service is not being provided, in accordance with their negotiated agreement, may present its grievance before the advisory or policy board as identified in subsection (a) of this Section.

Section 725.605 Written Operating Procedures

- a) The system management shall develop and utilize written "Standard Operating Procedures" of its operations for use by its telecommunications and supervisory personnel.
- b) The system management shall develop written procedures with each telecommunications carrier serving the PSAP establishing the methods and procedures to be followed when call tracing is required.
- c) The system management shall develop written procedures with the telecommunications carrier(s) establishing the methods and procedures to be followed for the repair of equipment difficulties and for the restoration of service.

Section 725.610 Call Handling Procedures

- a) The system management shall insure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has negotiated with its participants.
- b) In instances where a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunications shall make every effort to redetermine the appropriate responding agency and complete the disposition of the

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call.

- c) As provided in the Act, once an agency dispatches a unit in response to a 9-1-1 request for emergency services and subsequently determines the address is outside of its jurisdiction, it shall render aid without regard to jurisdictional boundaries.

Section 725.615 Electronic Communication Devices

The installation of or connection to a telecommunications carrier's network of any automatic alarm, automatic alerting device, or mechanical dialer which causes the number 9-1-1 to be dialed and does not provide for two way communication to directly access emergency services is prohibited in a 9-1-1 system.

Section 725.620 Disaster Procedures

- a) Each PSAP management shall develop procedures providing for the continued operation of a 9-1-1 answer point in the event that critical functions of the PSAP are partially or totally disabled due to natural or man-made disasters.
- b) Each LEC's central office shall be equipped with call box(es) to serve a 9-1-1 system if there is an outage or disaster. Once accessed by authorized personnel the call box(es) are under direct control of system management. Call box(es) shall be designed to meet the following:
- 1) Have a minimum of two lines, with additional lines agreed to by system management and the LEC(s);
 - 2) The type of vault used to house the call box(es) circuitry shall be weather resistant and have a locking capability;
 - 3) The call box(es) shall be provisioned with a transfer switch for use by authorized personnel to route transfer 9-1-1 calls from the network to the call box jacks;
 - 4) The call box(es) shall be provisioned with the lines busied out until the transfer switch is thrown to prevent calls from ringing into an unattended call box(es); and
 - 5) The call box(es) shall be equipped with an intrusion alarm at an additional cost to be assessed to the system management through the tariff process.

SUBPART G: FACILITIES

Section 725.700 Physical Security

- a) Critical areas of a PSAP, backup PSAP, and secondary PSAP shall have adequate physical security to prevent malicious disruption of service. PSAP personnel shall be isolated from direct public contact. Such critical areas shall at a minimum include all communications equipment, communications personnel, and mechanical equipment rooms

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that are vital to the operation of the PSAP.

- b) Wherever practical, service entrances for electric and telephone service shall be underground, at least to the respective utility's serving distribution facility. Sufficient protective measures shall be taken against vandalism and natural or manmade hazards at each PSAP.
- c) Access to the communications mechanical equipment room(s) shall be restricted within the building by means of secured doors.

SUBPART H: SURCHARGE

Section 725.800 Assessment of Surcharge

- a) Any municipality(ies) or any county(ies) may impose a monthly surcharge on billed subscribers of network connections provided by telecommunications carrier(s) engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality(ies) or county(ies) imposing the surcharge, provided that:
 - 1) The rate at which the surcharge shall be determined shall be established by passage of a referendum by the electors and passage of an ordinance imposing the surcharge by the municipality(ies) or county(ies).
 - 2) The referendum requirement in subsection (a)(1) of this Section shall not apply to any municipality with a population over 500,000 and the surcharge may not exceed \$1.25 per network connection.
 - 3) A referendum shall be held in any municipality or any county with a population over 500,000 in which the specified monthly surcharge amount is in excess of \$1.25 per network connection.

- b) The surcharge per month per network connection allowed by Section 15.3 of the Emergency Telephone System Act [50 ILCS 750/15.3] and upon passage of an ordinance by the municipality(ies) or county(ies) shall be collected by the telecommunications carrier(s) and held in a special fund for the municipality(ies), county(ies) or joint ETSB imposing the surcharge. The amount of surcharge collected by the telecommunications carrier(s) shall be paid to the particular municipality(ies), county(ies), or joint ETSB not later than 30 days after the surcharge is collected, net any network or other sophisticated 9-1-1 system charges due the particular telecommunications carrier. The telecommunications carrier(s) collecting the surcharge shall be entitled to deduct 3% of the gross amount of the surcharge collected to reimburse the telecommunications carrier(s) for the expense of accounting and collecting the surcharge. For Centrex type service, each telecommunications carrier shall assess the surcharge equal to one network connection for every ten Centrex lines, except for those municipal or county lines exempt from surcharge under the Act. Each telecommunications carrier's tariff rates for nonrecurring and recurring services attributable to

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Centrex-type lines shall utilize the same ratio as utilized for surcharge.

- c) The surcharge shall only be imposed by a municipality(ies), county(ies) or Joint ETSB for the purposes of providing Enhanced 9-1-1 service.

Section 725.805 Surcharge Billing

- a) The surcharge shall only be applied to those in-service network connections as defined.
- b) Trunks and/or lines supporting the following types of service shall be billed a 9-1-1 surcharge:
 - 1) Centrex-type service (billed as described in Section 725.800(b));
 - 2) Dormitory service;
 - 3) Hospital service;
 - 4) Hotel/motel service;
 - 5) Pay telephones as defined in 83 Ill. Adm. Code 771;
 - 6) PBX;
 - 7) Semi-public coin;
 - 8) Services on temporary suspension;
 - 9) Billing concession;
 - 10) Key telephone systems;
 - 11) Business lines; and
 - 12) Residential lines.
- c) The surcharge may also be assessed to other billed subscribers of network connections if and to the extent permitted under Section 15.3 of the ETSA.

Section 725.810 Telecommunications Carrier Monthly Report to the Emergency Telephone System Board

Each telecommunications carrier shall provide to the ETSB, PSAP, or jurisdiction a detailed monthly listing of the number of network connections, the number of Centrex-type lines in the 9-1-1 or proposed system to assist the jurisdiction in determining the line count for planning and projecting revenues and costs for the 9-1-1 or proposed system. See Appendix A of this Part. The listing shall not contain information which the telecommunications carrier determines to be confidential.

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1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems (General Order 207)

2) Code Citation: 83 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

725.101	Repeal
725.102	Repeal
725.103	Repeal
725.201	Repeal
725.202	Repeal
725.203	Repeal
725.204	Repeal
725.205	Repeal
725.206	Repeal
725.301	Repeal
725.302	Repeal
725.303	Repeal
725.304	Repeal
725.401	Repeal
725.501	Repeal
725.502	Repeal
725.503	Repeal
725.601	Repeal
725.602	Repeal
725.603	Repeal
725.604	Repeal
725.605	Repeal
725.701	Repeal
725.702	Repeal

4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

5) A Complete Description of the Subjects and Issues Involved: Part 725 was adopted by the Commission to implement the Emergency Telephone System Act by providing technical and operational standards for the development of local agency systems. Part 725 was adopted in 1979 and amended once in 1981. There have been a number of amendments to the Act since the last amendment of Part 725, and the telecommunications industry has undergone structural and technological evolution since the last amendment of Part 725. Given these changes, the Commission is concurrently proposing the repeal of the current rules and proposing the adoption of a new Part 725, so that the rules reflect both current law and the current state of the telecommunications.

6) Will this proposed repeal replace an emergency repealer currently in

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Section 725.APPENDIX A Telecommunications Carrier Monthly Report to ETSB

Local Exchange Carrier Name: _____

Remittance for (Month/Year): _____

Total Number of Access Lines: _____

	Number	Rate	Revenues
Residential Lines	_____	_____	_____
Basic Business Lines	_____	_____	_____
Pay Phone Lines	_____	_____	_____
Centrex/PBX Lines Billed	_____/_____ (____/____)	_____	_____/_____ _____
Centrex/PBX Lines Not Billed	_____/_____ (____/____)	_____	_____/_____ _____
Exempt Lines	_____	_____	_____
TOTALS	_____	_____	_____

Date Prepared _____

Originator _____

Telephone Number _____

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- effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed repealer contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This proposed repealer neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:
- Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This repeal will affect those small municipalities that operate emergency telephone systems within the State of Illinois and those local exchange telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized January 1995
- The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER	
TITLE 83: PUBLIC UTILITIES	
CHAPTER I: ILLINOIS COMMERCE COMMISSION	
SUBCHAPTER f: TELEPHONE UTILITIES	
PART 725	
STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS (GENERAL ORDER 207) (REPEALED)	
SUBPART A: GENERAL	
Section 725.101 725.102 725.103	Authorization of Rules Application of Rules Definitions
SUBPART B: AUTHORIZATION TO OPERATE	
Section 725.201 725.202 725.203 725.204 725.205 725.206	General Tentative Plans Final Plans Order of Authority Records and Reports Auditing
SUBPART C: MANAGEMENT AND STAFFING	
Section 725.301 725.302 725.303 725.304	Management Systems Commission Liaison Part on File Training
SUBPART D: STANDARDS OF SERVICE	
Section 725.401	General
SUBPART E: ENGINEERING	
Section 725.501 725.502 725.503	General Telephone Companies Public Safety Answering Point
SUBPART F: OPERATIONS	
Section	

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- 725.601 System Review
725.602 Written Operating Procedures
725.603 Call Handling Procedures
725.604 Electronic Communications Devices
725.605 Disaster Procedures

SUBPART G: FACILITIES

- Section
725.701 Building and Grounds
725.702 Physical Security

AUTHORITY: Implementing and authorized by Section 31 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted at 4 Ill. Reg. 2, p. 163, effective December 31, 1979; amended at 5 Ill. Reg. 888, effective January 9, 1981; codified at 8 Ill. Reg. 12188; Repealed at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 725.101 Authorization of Rules

- a) The laws governing the operation of the Illinois Commerce Commission provide that the Commission shall have the power to make such reasonable rules as it deems necessary to carry out the provisions of those laws.
- b) The enabling legislation for the regulation contained in this Part is entitled "An Act in relation to the designation of an emergency telephone number for use throughout the state" (Ill. Rev. Stat. 1981, ch. 134, pars. 31 et seq.).

Section 725.102 Application of Rules

- a) The 9-1-1 emergency service rules promulgated by the Commission shall apply to all public agencies, public safety agencies, and telephone companies in the State of Illinois except to the extent of any exemptions conferred by law.
- b) If unreasonable hardship to a public agency, or to a serving telephone company results from complying with any regulation in this Part, application may be made to the Commission for modification of the rule, or for temporary exemption from its requirement.
- c) The adoption of this Part by the Commission shall in no way preclude it from altering or amending it pursuant to applicable statutory procedures, nor shall the adoption of this Part preclude the Commission from granting temporary exemptions from its regulations in exceptional cases.
- d) The rules of the Commission shall not relieve any telephone company,

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public agency, or public safety agency from its duties under the laws of the State of Illinois.

Section 725.103 Definitions

In the interpretation of this Part, the following definitions shall be used.

"Audible Signal" -- A buzzer, bell or tone device used to alert an individual that appropriate action is required.

"Automatic Call Distributor (ACD)" -- Equipment used to distribute large volumes of incoming calls in sequential order of arrival to available telecommunicators.

"Automatic Dialing Alarm" -- An electronic telephone device which is arranged to dial a predetermined number or numbers and report an exceptional (alarm) condition at the protected premises.

"Automatic Number Identification (ANI)" -- Specialized equipment in a telephone central office for automatically determining the calling party's telephone number.

"Basic System" -- A telephone system which automatically connects a person dialing the digits "9-1-1" to an established Public Safety Answering Point (PSAP) through normal telephone service facilities.

"Called Party Hold" -- A telephone service feature that enables the called party to maintain a connection, even if the calling party has hung up, on any circuit so equipped.

"Call Referral" -- A 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" -- A 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" -- A 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.

"Central Office" -- A switching unit in a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting

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subscriber lines and/or trunks. There may be more than one central office in a building.

"Class Mark" -- A connection or signal which provides information to the switching equipment regarding the class of service to which a particular subscriber is entitled.

"Commission" -- As used in this Part, it shall refer to the Illinois Commerce Commission.

"Contract Management" -- A type of management system where an agency agrees to provide telecommunications services to another agency.

"Dedicated Direct Trunking" -- An arrangement where a telephone line connection has no intermediate switching points between the originating central office and called party. The circuits utilized in this arrangement may be either intra- or inter-exchange.

"Direct Dispatch" -- A 9-1-1 service which provides for the direct dispatch by a PSAP telecommunicator of the appropriate unit(s) upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"Emergency Call" -- A telephone request for emergency services which requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property, and such other situations as are determined by local custom.

"Exchange Service Area (Exchange)" -- A geographical unit established by a telephone company, for the administration of telephone service for which a separate local rate schedule is provided. It usually embraces a city, town or village and its environs. It consists of one or more central offices, together with the associated plant to furnish communication services in that area.

"Forced Disconnect" -- A telephone service feature which allows the called party to release a telephone connection to avoid caller jamming of the incoming circuits.

"Idle Circuit Tone Application" -- A telephone service feature which applies a distinctive tone toward the PSAP attendant to distinguish between calls that have been abandoned before the attendant answers and calls where the caller is unable to speak for some reason.

"Implementation Date" -- The effective date of a public act providing all local public agencies affected by this act with a specific source or sources of revenue for payment of 9-1-1 costs.

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"Joint Powers Management" -- A management form in which all participating agencies, through an intergovernmental agreement document, have a voice in the operation of a 9-1-1 system.

"Order of Authority to Operate a 9-1-1 System" -- A formal order of the Commission which authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Originating Switchhook Status Indication" -- An audible and/or visual indication of the status of a calling party being held.

"PSAP" -- Public Safety Answering Point, sometimes called a Center, or 9-1-1 Center; the initial answering location of a 9-1-1 call.

"Public Agency" -- The state, or any unit of local government or special purpose district, located in whole or in part within this state, which provides police, firefighting, medical or other emergency services or has authority to do so.

"Public Safety Agency" -- A functional division of a public agency which provides police, firefighting, medical or other emergency services.

"Ringback" -- An optional telephone service feature, on a circuit equipped with "Called Party Hold," that allows the called party to ringback the caller when the caller has hung up. Ringback may be subject to certain limitations for callers served by party lines.

"Ringback Tone" -- A tone returned to the caller to indicate that a central office is providing ringing current to the called party's circuit.

"Route Diversity" -- Two or more routes of communication arranged to reduce the possibility that any localized incident will cause a total interruption of communications.

"Rural County" -- A county having less than one hundred thousand (100,000) inhabitants.

"Selective Call Routing" --

An optional, sophisticated telephone system feature that automatically switches all calls to one of several specific predetermined answering points, based on the location of the calling telephone. Two ways in which this may be accomplished are:

through judgmental assignment of each customer line to segregated line groups and classmarks, or by special logic features provided through an electronic

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central office switching machine or an outboard computer. The logic features require a method of automatically ascertaining the calling telephone number (ANI) and location. This calling location data is compared to the computer's jurisdictional area data base to automatically direct the switching machine to complete the call to the appropriate answering center for that calling number.

"Tandem Trunking" -- Any trunking method for providing incoming 9-1-1 calls to the PSAP other than dedicated direct trunking.

"Telecommunications" -- The transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system.

"Telecommunicator" -- A person who is trained and employed in public safety telecommunications. The term applies to complaint telephone operators, radio operators, data terminal operators or any combination of such functions in a PSAP.

"Telephone Company" -- Shall mean any person, firm, partnership or corporation engaged in the business of furnishing communication services to the public and as persons or organizations are covered by "An Act concerning public utilities," as amended (Ill. Rev. Stat. 1981, ch. 111 2/3, pars. 1 et seq.). For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns.

"Telephone Line" -- A telephone circuit from a central office to a protective device at the subscriber's location.

"Trunk" -- A generic term used to describe circuits used for connection of a subscriber's call through or between telephone central offices or to certain categories of terminal equipment.

"Terminal Equipment" -- Telephone station apparatus.

"Uninterruptible Power Source (UPS)" -- An emergency power source which can detect any change in power line frequency or voltage and automatically compensate for these changes, by supplying additional power or converting to an auxiliary power source, without any loss of voltage or frequency.

"Urban County" -- A county having one hundred thousand (100,000) or more inhabitants.

SUBPART B: AUTHORIZATION TO OPERATE

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Section 725.201 General

- a) All tentative and final plans for 9-1-1 systems shall be filed in compliance with this Part and such statutes as are applicable.
- b) Tentative plans shall be formally submitted to the Commission's 9-1-1 Emergency Telephone Section for review.
- c) Final plans shall be formally submitted to the Commission for approval or disapproval.
- d) A 9-1-1 system shall not become operational without a formal "Order of Authority to Operate a 9-1-1 System" issued by the Commission.
- e) Modification of the boundaries of an existing system or of the participants in an existing system shall be reported to the Commission. Where modification would result in the addition of a public agency as a participant in an existing system and such public agency is not exempt by law from submitting a plan for approval, such participation is subject to Commission approval.
- f) Except in those systems where selective routing is utilized, the outline of a 9-1-1 system, for technical reasons, must coincide with applicable telephone service area limits, which may consist of the entire telephone exchange or an established subdivision thereof.
- g) The Chairman of the County Board, in counties implementing a 9-1-1 system, shall be responsible for making every effort to insure that all unincorporated areas of the county are included.

Section 725.202 Tentative Plans

- a) A local public agency proposing to operate a 9-1-1 system shall first hold an informational meeting as discussed in Chapter 3 of the "Illinois Local Government 9-1-1 Planning Manual" prepared for the Illinois Commerce Commission dated June, 1976. Such meeting shall include:
 - 1) each public agency having jurisdiction in the exchange or exchanges of the proposed system,
 - 2) each public safety agency having jurisdiction in the exchange or exchanges of the proposed system,
 - 3) each telephone utility providing the exchange or exchanges in the proposed service area,
 - 4) recognized emergency medical planning groups, e.g., Area Wide Hospital Emergency Services (AHES),
 - 5) any other emergency service providers and planning agencies deemed necessary by local desire.
- b) Such additional meetings as are necessary shall be held between the proposed served agencies to determine the system design as described in Chapter 2 and other portions of the "Illinois Local Government 9-1-1 Planning Manual" prepared for the Illinois Commerce Commission dated June, 1976. A representative of the Commission should be invited to attend the meetings described in (a) above and any

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- subsequent planning meetings.
- c) Tentative plans submitted to the Commission shall have the concurrence of its participants. A lack of concurrence by any participant required by the Act to be part of the 9-1-1 system shall be documented and a summary of the reasons for the lack of participation included in the tentative plan.
 - d) Tentative plans shall consist of a narrative of the proposed system's operation, and a completed "Application to Illinois Commerce Commission For the Provision of 9-1-1 Service."
 - 1) Exhibit 1 -- A map showing the boundaries of the proposed system. This map shall use the general highway map (one inch to one mile) available from the Illinois Department of Transportation, for the service area in question.
 - 2) Exhibit 2 -- A map or maps showing the jurisdictional boundaries of the system participants and adjoining public agencies and public safety agencies. Map specifications set forth in Exhibit 1, above, shall apply.
 - 3) Exhibit 3 -- A list of system participants showing the land area(s) in square miles and the estimated population served in their jurisdictions.
 - 4) Exhibit 4 -- A list of the public agencies or public safety agencies adjacent to the proposed system boundaries.
 - 5) Exhibit 5 -- A list of the involved telephone company(ies) and their exchange(s) in the proposed system.
 - 6) Exhibit 6 -- The financial arrangements to be employed for call handling and telecommunications services.
 - 7) Exhibit 7 -- A summary of the anticipated implementation cost, and annual operating cost of the proposed system. Such costs shall not include personnel, equipment or facilities which are presently utilized or which are not directly associated with the 9-1-1 call handling process. The projected monthly cost should be compared to the present cost and the increase or decrease indicated.
 - 8) Exhibit 8 -- Aid Outside Normal Jurisdictional Boundaries:
 - A copy of the (draft) (signed) annual agreement between the PSAP management and all public agencies and/or public safety agencies in a single system and in different systems but whose jurisdictional boundaries are contiguous. This agreement shall provide that, once an emergency unit is dispatched in response to a request through the system, such unit shall render its service to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. A copy of the above agreement shall also be filed with the Attorney General annually.
 - 9) Exhibit 9 -- Call Handling Agreements:
 - Copies of the (draft) (signed) agreements between the PSAP and the public agencies and/or public safety agencies in a single system. Copies of the (draft) (signed) agreements between PSAP's

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- in adjacent systems or, in the absence of a PSAP, the public agencies or public safety agencies whose jurisdictional boundaries are contiguous. These agreements shall indicate the primary and secondary methods to be employed for notification of emergency calls received from requesting parties within their respective jurisdictions.
- 10) Exhibit 10 -- A completed questionnaire supplied by the Commission.
 - e) The tentative plan shall be submitted to the public utility or utilities providing public telephone service within the service area of the PSAP. A copy of the tentative plan shall also be filed with the Commission. The Commission's 9-1-1 Emergency Telephone Section shall review each tentative plan and provide an opinion to the originating agency within ninety days of receipt.

Section 725.203 Final Plans

- a) Final plans shall be presented with the same format and contents as Section 725.202(d) preceding, including any enhancements or adjustments found necessary during the Commission staff's review of the submitted tentative plans, except that all agreements shall be completed with all participants.
- b) The Commission shall hold such hearings as are necessary to formally review the final plan and shall either approve or disapprove the plan.

Section 725.204 Order of Authority

The management of a proposed 9-1-1 system shall file a petition for "Order of Authority to Operate a 9-1-1 System" as detailed and described in their final plan. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, to be codified as 83 Ill. Adm. Code 200 (General Order 154), as amended.

Section 725.205 Records and Reports

- a) PSAP management shall maintain such records as it feels are necessary to document its operations and satisfy the requirements of interagency agreements. As a minimum, such records shall include:
 - 1) a log of major system operations,
 - 2) critical equipment outages.
- b) The records specified in (a) above shall be preserved for a minimum of one year.

Section 725.206 Auditing

The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.

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SUBPART C: MANAGEMENT AND STAFFING

Section 725.301 Management Systems

The form of management a system will use shall be determined by its participants. This may be joint powers, contractual, or a combination of management forms.

Section 725.302 Commission Liaison

Each 9-1-1 system shall designate an individual as the Commission liaison for the system. The Commission shall be notified of any change in the name of this liaison and of any change in the telephone number or address within ten days of such change.

Section 725.303 Part on File

A current copy of this Part shall be on file in every PSAP.

Section 725.304 Training

It is the responsibility of the PSAP management to provide adequate training for all PSAP personnel to fulfill the responsibilities of their position.

SUBPART D: STANDARDS OF SERVICE

Section 725.401 General

- a) The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary seven digit emergency backup number for at least six months after the 9-1-1 system is in operation, and shall maintain a separate number for non-emergency telephone calls.
- b) Each PSAP shall provide continuous and uninterrupted operation to the citizens within its system boundaries.
- c) Each PSAP shall have the obligation of continual review using recognized administrative and engineering procedures to determine and assure adequate service to the general public in accordance with the Act and this Part.
- d) PSAP employees shall be instructed to be efficient and courteous in the handling of all calls and to comply with the provisions of all applicable federal and state laws in maintaining secrecy of communications.
- e) Each PSAP shall insure that all 9-1-1 emergency calls are answered and handled without preference to the location of the caller.
- f) Each PSAP shall endeavor to answer ninety percent of all 9-1-1 calls within ten seconds.
- g) The legislative intent is that 9-1-1 be used for emergency calls only.

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Therefore, all calls of an administrative or non-emergency nature shall be referred to the appropriate agency's published telephone number. After the referral is made, the telecommunicator shall release the circuit for public use.

SUBPART E: ENGINEERING

Section 725.501 General

- a) Dedicated Direct Trunking shall be considered to be the standard method of providing incoming 9-1-1 circuits. Incoming trunks provided in this manner shall be engineered to assure 99% completion of calls placed to 9-1-1 during the average busy hour of the average busy day or a minimum of two trunks, whichever is higher, between the PSAP and the originating central office.
- b) Alternative incoming 9-1-1 trunking methods may be utilized by the PSAP if technology and/or local telecommunications facilities can be designed and implemented. The quantity of trunks and related switching components in the telephone network shall be engineered in accordance with good engineering practices and the applicable Commission Standards of Service specified for the interoffice and intertoll network to ensure completion of calls placed to 9-1-1 during the average busy hour of the average busy day. A detailed description of the trunking method to be used must be included in 9-1-1 plans.
- c) Call transfer equipment shall be designed to achieve transfers with at least 99.9% completion. (This may require the use of dedicated direct trunking toward the responding agency.) At such time as the telecommunicator verifies that the transfer has been completed and his services are no longer required, he may manually release himself from the call providing the telephone equipment is so designed.
- d) All 9-1-1 circuits shall be arranged for one way incoming only service to the PSAP. Outbound dialing on 9-1-1 circuits is prohibited.
- e) PSAP management shall arrange to conduct traffic studies, as needed, to provide information dealing with the quantity of calls, call holding times, busy hours, and such other information as is necessary and is mutually agreed upon with the serving telephone company(ies). Where the telephone company provides this service, charges shall be consistent with such tariffs or customs as have been established for such matters.

Section 725.502 Telephone Companies

- a) Each telephone company shall file tariffs (subject to Commission approval) for "9-1-1 Telecommunications Service" to be applied to all services peculiar to 9-1-1 installations applicable to all exchanges of that company.
- b) A 9-1-1 Telecommunications Service provides a terminating only service which connects a person who has dialed the universal emergency service

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code 9-1-1 to the PSAP assigned to that trunk group. Consistent with the language contained in Section 725.501 (a) and (b) preceding, 9-1-1 Telecommunications Service shall be provided through either Dedicated Direct Trunking or Tandem Trunking.

1) The features associated with tandem trunking shall be determined through a joint effort of the PSAP and the concerned telephone companies.

2) The features associated with the dedicated direct trunking service shall be according to the following format types:

A) Type #1 -- This is the most basic configuration available, and provides:

- i) no per-call charge,
- ii) loop-type ringdown signaling toward PSAP,
- iii) ringback tone to caller,
- iv) transmission path for communication between the caller and the PSAP.

B) Type #2 -- This configuration provides all the features of the Type #1 Circuit with the following options:

- i) called party hold,
- ii) forced disconnect,
- iii) idle circuit tone application,
- iv) originating Switchhook Status Indication contingent on the installation of appropriate terminal equipment at the PSAP.

C) Type #3 -- This configuration provides all the features of the Type #1 and #2 Circuits with the addition of: ringback of the calling line on a held line.

D) Type #4 -- This configuration provides for optional features beyond those described in the configuration of Type #2 or #3.

c) Telephone companies shall use the Common Language Circuit Identifier "EW" in identification of 9-1-1 Telecommunications Service circuits to prevent confusion with other special services.

d) Where practical, it would be desirable for coin-free dialing to be provided on or before the installation of 9-1-1 service in an exchange.

e) The transmission grade of service on 9-1-1 circuits using inter-exchange facilities shall be at least equivalent to the transmission grade of service specified in the Section of 83 Ill. Adm. Code 730 (General Order 197) dealing with inter-office transmission objectives.

f) The transmission grade of service for the intra-exchange loop portion of any 9-1-1 circuit shall be at least equivalent to the transmission grade of service specified in the Section of 83 Ill. Adm. Code 730 (General Order 197) dealing with local loop transmission objectives.

g) Upon notification of a transmission difficulty by PSAP personnel, testing shall be performed and repairs shall be made as necessary to meet the transmission objective.

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h) When all 9-1-1 circuits are busy in the originating central office, the switching machine shall return an appropriate busy tone to the caller. When an all-trunks busy situation occurs in an intermediate switching facility, that machine shall return an appropriate busy tone.

i) All telephone companies shall arrange for each of their switching offices to accept the 9-1-1 code on or before December 31, 1985. When the 9-1-1 code is dialable in a machine but not providing service, the caller shall receive either live or mechanical intercept service.

j) Each telephone company shall install in each of its central offices such data collecting equipment necessary to record the quantity of calls placed to that office's 9-1-1 circuit group and to record the number of times that all circuits in that group are busy.

k) The telephone company shall use the data collected from the equipment specified in (j) above to insure compliance with the requirements of (a) and (b) above.

l) No circuits associated with a 9-1-1 system shall be opened, grounded, short circuited, or tested in any manner until maintenance personnel have obtained release of the affected circuit(s) from the appropriate PSAP personnel. Telephone company maintenance personnel will endeavor to advise PSAP personnel regarding the length of time that will be required to perform any work involving circuits associated with a 9-1-1 system.

m) Each telephone company shall adopt practices to minimize the possibility of service disruption on all circuits associated with a PSAP. Such practices will provide for circuit guarding at all terminations with protective devices that will minimize accidental worker contact. Such practices shall also contain procedures for identifying such circuits in company records.

n) Each telephone company shall train appropriate employees in the practices required in (l) and (m) above.

o) If the telephone company terminal equipment is equipped with local alarm circuitry, such circuitry will be used to provide PSAP personnel with both audible and visible equipment malfunction alarms.

Section 725.503 Public Safety Answering Point

a) All 9-1-1 call answering equipment used by PSAP must comply with applicable Federal Communications Commission (FCC) Rules and Regulations, Illinois Commerce Commission General Orders, local telephone company tariffs and must be compatible with the telephone company central office equipment and trunking arrangements.

b) Each 9-1-1 circuit will indicate incoming calls by both audible and visible signals. In addition, each outgoing circuit shall have a visual display of its status.

c) Each 9-1-1 call answering position shall have access to all incoming 9-1-1 lines and outgoing circuits peculiar to its zone of responsibility. In those systems employing an automatic call

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distribution (ACD) it will not be necessary for all lines to appear at each answering position.

d) Each PSAP shall have at least one overflow answering position to handle those circumstances when the call volume exceeds the capability of the primary telecommunicator positions. Supervisor positions may be utilized to satisfy this requirement.

e) It is recommended that each PSAP install a master logging recorder of adequate capacity to record both sides of a conversation of each incoming 9-1-1 call and its disposition. Such recordings should have the time of each event noted. PSAP management may elect to record on a circuit-by-circuit basis or by way of the telecommunicator's transmission circuits.

f) It is desirable that each PSAP have at least one non-published telephone number to be provided to telephone company operators, adjoining PSAPs and agencies to advise the PSAP of emergency messages. In order for a 9-1-1 plan to be approved, the facility selected for the proposed PSAP must be equipped with an emergency power source capable of supplying electrical power to at least serve the basic power requirements of the proposed PSAP.

h) Where sophisticated telephone equipment, not tolerant of power fluctuations or interruptions, is vital to the PSAP's operation, an adequate uninterruptible power source (UPS) shall be provided.

i) In some instances, the PSAP management may desire to have route diversity for their telephone circuits. The telephone company serving the PSAP shall be responsible for providing the necessary information regarding the availability and cost of this service.

SUBPART F: OPERATIONS

Section 725.601 System Review

a) Each system shall have an advisory or policy board composed of a representative from each participating agency. The board shall be at least the grievance committee for the resolution of disputes.

b) Any participating agency which feels that adequate service is not being provided, in accordance with their negotiated agreement, may present its grievance before the advisory or policy board in (a) above.

Section 725.602 Written Operating Procedures

a) Each PSAP's management shall develop and utilize written "Standard Operating Procedures" of its operations for use by its telecommunicators and supervisory personnel.

b) Each PSAP's management shall develop written procedures with each telephone company serving the PSAP establishing the methods and procedures to be followed when call tracing is required.

c) Each PSAP's management shall develop written procedures with its

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serving telephone company establishing the methods and procedures to be followed for the repair of equipment difficulties and for the restoration of service.

Section 725.603 Call Handling Procedures

a) Each PSAP management shall insure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has negotiated with its participants.

b) In instances where a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunicator shall make every effort to redetermine the appropriate responding agency and complete the disposition of the call.

c) As provided in the Act, once an agency (not the PSAP) dispatches a unit in response to a 9-1-1 request for emergency services and subsequently determines the address is outside of its jurisdiction, it shall render aid without regard to jurisdictional boundaries until relieved.

Section 725.604 Electronic Communications Devices

The legislative intent of the Act is that the telephone number 9-1-1 should be a citizen input system. Therefore, automatic dialing alarms and other electronic communications devices shall not be permitted access to 9-1-1 without the written consent of the PSAP management.

Section 725.605 Disaster Procedures

Each PSAP management shall develop procedures providing for the continued operation of a 9-1-1 answering point in the event that critical functions of the PSAP are partially or totally disabled due to natural or man-made disasters.

SUBPART G: FACILITIES

Section 725.701 Building and Grounds

After consultation with the serving telephone company, PSAP management shall designate an area of adequate size to be used by the telephone company for termination of their lines and equipment.

Section 725.702 Physical Security

a) Critical areas of a PSAP shall have adequate physical security to prevent malicious disruption of service. Such critical areas shall at least include all communications equipment and mechanical equipment rooms which are vital to the operation of the PSAP.

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- b) Wherever practical, service entrances for electric and telephone service shall be underground, at least to the respective utility's serving distribution facility.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Numbers: Proposed Action:
- | | |
|--------|-------------|
| 590.10 | Amendments |
| 590.60 | Amendments |
| 590.80 | New Section |
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to eliminate tagging requirements for Canada geese in excess of twice the daily bag limit. To add statewide and site specific regulations regarding snow goose seasons that occur after Canada goose season. To give requirements for recording a third Canada goose on the goose permit required in the Northern and Central Illinois Canada goose season zones.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:
- Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

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NOTICE OF PROPOSED AMENDMENT(S)

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section	Statewide Regulations
590.10	Duck, Goose and Coot General Hunting Regulations on all
590.15	Department-Owned and -Managed sites
590.20	Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all
	Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60	Various Other Department Sites - Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Snow, Blue and Ross' Goose Hunting Regulations on Department Sites

EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill.

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Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.
 - b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
 - c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.
 - d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.
 - e) Emergency Closure
- The Department of Natural Resources Conservation (Department or DNR

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NOTICE OF PROPOSED AMENDMENT(S)

898) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

- f) Closed Areas

Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.
- g) Commercial Migratory Waterfowl Hunting Area Permits
 - 1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
 - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time.
 - 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
- h) Waterfowl Hunting Zones:
 - 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
 - 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
 - 3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border, except that all of Bond, Effingham, and Fayette counties will be excluded from the Central Zone for goose hunting.
 - 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
 - 5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State, except that all of Bond,

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Effingham, and Fayette counties will be in the Southern Zone for goose hunting.

- 6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.
- 7) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
- 8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, Dupage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
- 9) Southern Illinois Quota Zone - †Alexander, Union, Williamson, and Jackson Counties†.

- i) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily.
- j) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time.

k) ~~Persons in possession of geese in excess of twice the daily bag limit when such geese were taken within the quota zones shall tag each individual goose. The tag must contain the hunter's signature and address and the date of kill and the location of the kill.~~

- 1) The following apply in the Northern and Central Illinois Quota Zones:
 - 1) It is unlawful to hunt Canada geese without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.

- 2) Immediately upon taking possession of a harvested Canada goose, hunters must punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone in which taken. Persons who take 3 Canada geese in the same day must punch or slit the permit on or above the line immediately above the dates where the other 2 geese that were taken were punched.

- 3) Hunters must report their kill within 24 hours by calling 1-800-WETLAND (938-5263) on a touch tone phone.

- l) During any goose seasons that occur after the close of the Canada goose season, Union and Alexander Counties are closed to goose hunting.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10), General Department Regulations (Section 590.30) and the following regulations, except as noted.

a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
- 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
- 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
- 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
- 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites and 300 yards from power lines.
- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of waterfowl season through the waterfowl season except as indicated in the remainder of this Section.
- 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site.

b) Site specific regulations

- 1) Cache River State Natural Area (1)
- 2) Campbell Pond Wildlife Management Area (1)
- 3) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area before 4:30 a.m. each day of the waterfowl hunting season, and no one may remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and the Hurricane Creek

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- Area (as defined in subsection (b)(3)(E)).
- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Individual float tubes (not to exceed 42" diameter) and capable of supporting only one person may be used.
- D) Only walk-in hunting shall be permitted in the subimpoundment areas. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources Conservation personnel shall post that the area is open to boats and will designate boat launching locations. Boats and electric trolling motors only are allowed only at these times in the subimpoundment areas.
- E) In the subimpoundment areas, compartments 3 and 4 will be waterfowl rest areas during the entire waterfowl season. No waterfowl hunting shall be permitted on Hurricane Creek area which is defined as the area bordered by the Kaskaskia River on the South, D levee on the west, the Texas Oil Company pipeline on the north, and C levee on the east. No hunting within 50 yards of D levee (which surrounds subimpoundment 3) or F levee (which surrounds subimpoundment 4) is permitted. No trespassing will be allowed, except for hunters boating through the Hurricane Creek area to hunt north on Hurricane Creek or in the subimpoundments. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest registration box located at the access parking lot. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- 4) Chauncey Marsh (1)

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- Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 5) Clinton Lake (1)
- A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.
- B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) No more than 4 persons shall occupy or use a portable boat blind.
- D) Each hunting party is required to hunt over a minimum of 12 decoys.
- 6) Dog Island Wildlife Management Area (1)
- Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 7) Donnelley State Wildlife Area
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Hunting hours start at sunrise.
- C) Goose hunting is prohibited after the close of the duck season.
- D) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- F) \$10.00 daily usage stamp must be purchased to hunt this area.
- G) No outboard motors are allowed by public - only by authorized DOC personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

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- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).
- 8) Fox Ridge State Park (1)
- 9) Fort de Chartres Historic Site (1)
- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) Muzzleloading shotguns only.
- D) No hunting is allowed during firearm deer season.
- 10) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake
- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the waterfowl season.

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- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.
- 11) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only
- A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).
- B) Hunting shall be done from assigned blinds only.
- C) A daily drawing for assigned blind sites will be held 60 minutes prior to legal hunting hours at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.
- D) Hunters must deposit their license prior to going to their blinds.
- E) Hunters must park in assigned, designated areas only.
- F) Hunters must hunt over a minimum of 12 Canada goose decoys.
- G) Hunters must return to the check station and report their harvest by 2:00 p.m.
- H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.
- I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.
- 12) Horseshoe Lake (Alexander County) Public Hunting Area
- 13) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

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14) Joliet Army Ammunition Plant (Will County)

A) Hunters must check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of \$5.00 per person will be charged for waterfowl hunting.

B) Only walk-in hunting will be permitted; blinds must be portable in nature or constructed of natural materials located at the blind site, and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.

C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.

D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on-site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.

15) Kaskaskia River Fish and Wildlife Area

A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.

C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

D) Between the Highway 13 and Highway 154 bridges, all hunters are required to sign out and report harvest daily at the nearest check station.

E) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Only waterfowl, coot and archery deer (as provided by 17 Ill. Adm. Code 670) hunting allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

16) Kidd Lake State Natural Area (1)

17) Kinkaid Lake Fish & Wildlife Area (1)

18) Lake Shelbyville (except for land/waters covered in subsection 590.60(b)(19)) (1)

19) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.

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B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:

i) All parties must hunt within 10 yards of their assigned stake.

ii) All parties must be in place by one-half hour before hunting time.

iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.

D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

20) Meredosia Lake - Cass County Portion Only (meandered waters only)

A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.

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B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

21) Mermet

- A) Waterfowl hunting shall be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

C) The daily drawing shall be held one hour prior to legal opening time.

D) All members of the hunting party shall register as a group (not to exceed 4 persons per group) for the purpose of the drawing.

E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.

F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

22) Oakford Conservation Area (1)

23) Pike County Conservation Area (1)
Statewide season regulations apply except that the season closes November 30 in Area A and December 15 in Area C, or the legal statewide closing, whichever is earlier.

24) Rend Lake Project Lands and Waters

A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.

B) No hunting permitted from the subimpoundment dams.

C) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

D) No waterfowl hunting permitted within 200 yards of any Whistling Wings Access Area daily drawing blind/pit.

E) All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 1 week before

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waterfowl season until March 1.

F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:

i) During goose season, a separate drawing will be held for the 4 pits at Whistling Wings. This drawing will be held at 4:30 a.m. daily at the Bonnie Dam Access Area. Hunters may not register for more than one drawing per day.

ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.

iii) Two standby parties will be drawn for pit refill after move-up of initial hunting parties, in the reverse order of the order the pits were drawn.

iv) No more than four (4) dozen decoys may be used per pit.

v) No more than four (4) hunters will be allowed in a pit or hunting party.

H) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

I) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.

J) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.

ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.

iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.

iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.

v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.

vi) Bounded on Nason Point by refuge boundary signs at project limits.

K) After the close of duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

L) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:

i) All hunting must occur within 10 yards of an assigned,

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- numbered stake and only one hunting party may occupy a staked site at any given time.
- ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November and at 4:30 a.m. during the remainder of the season at locations to be publicly announced. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.
 - iii) Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than five (5) persons shall be in a hunting party.
 - iv) Hunters (including those who are not drawn in the 4:30 a.m. drawing) will not be allowed to enter the staked area until 9:00 a.m. No hunting party may enter the staked area after 9:30 a.m. Hunters will not be allowed to enter the staked area between 9:00 a.m. and 9:30 a.m. unless there are vacant staked hunting locations.
 - v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis.
 - vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
 - vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.
- 25) Saline County Conservation Area (1)
- A) Waterfowl hunting is allowed north of the township road only.
 - B) Walk-in hunting only.
 - C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 26) Sanganois Conservation Area (Walk-in Areas)
- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
 - B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
 - C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
 - D) Upon the completion of hunting, hunters must report to the check station within one hour.

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- E) Fishing is prohibited in the impoundment areas during the waterfowl season.
 - F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
 - G) No person shall trespass on the Marion-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
 - H) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
 - I) No hunting permitted from the walk-in area subimpoundment levee.
- 27) Sangchris Lake State Park
- A) During the last 3 days of Canada goose season, hunting hours will close at statewide closing.
 - B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the goose season which follows the duck season, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
 - C) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
 - D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
 - E) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(27)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
 - F) No more than 4 persons shall occupy a blind at one time.
 - G) The center arm of the lake shall be closed to all waterfowl hunting.
 - H) Blind sites shall be determined by the Department of Natural Resources ~~Conservation~~ and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources ~~Conservation~~ shall remove, move or close blind sites in order to carry out the operations of the overall management program.
 - I) Hunters wishing to move to another blind location may do so

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after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

J) Access to blind sites shall be by boat only and from designated boat launch sites. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.

K) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.

L) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

M) No pits or blinds shall be built on State leased or Commonwealth Edison land.

N) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.

O) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season.

P) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

Q) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources ~~Conservation~~ will close the lake area to all fishing and all boating activity except for non-water hunting programs.

R) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.

28) Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited.

29) Shawnee National Forest, Lake Scatters

All hunting must be by walking in or in boats without motors.

30) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

A) All hunting must be by walking into the area.

B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.

C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.

31) Stephen A. Forbes State Park

A) On the main lake hunting is allowed from a boat blind only

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

in the designated areas.

B) Only walk-in hunting is allowed in the sub-impoundment.

C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

32) Ten Mile Creek Fish and Wildlife Area (1)

A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.

D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

33) Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)

34) Union County (Firing Line Waterfowl Management Area)

A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

B) During goose season waterfowl hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.

C) During goose season hunting from staked sites only.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.80 Snow, Blue and Ross' Goose Hunting Regulations on Department Sites

a) During goose hunting seasons that extend beyond the Canada goose season, statewide regulations and site specific regulations for Canada goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply at all sites (except those listed as closed in subsection (b)) with the following exceptions:

1) Hunters shall not be required to check in and check out.

2) Hunters shall not be required to sign in and sign out.

3) At those sites where hunters are required to salvage materials by February 1, hunting may occur outside registered blinds as long as hunting parties stay at least 200 yards apart.

4) Statewide hunting hours shall apply.

5) No fees will be charged for hunting.

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- 6) No sites are closed to fishing.
 b) The following sites shall be closed to goose hunting during seasons that extend beyond the Canada goose season:

Region 1

Banner Marsh
 Rice Lake
 Anderson Lake
 Spring Lake
 Donnelly - DePue
 Powerton

Region 2

Kankakee River State Park
 Heidecke Lake
 Braidwood - Mazonia
 William Powers

Region 3

Lake Shelbyville - Federal Lands
 Lake Shelbyville - Kaskaskia Unit
 Lake Shelbyville - West Okaw Unit
 Clinton Lake

Region 4

Sangchris Lake
 Ray Norbut

Region 5 (Union and Alexander Counties Closed)

Horseshoe Lake Conservation Area
 Union County Conservation Area
 Upper and Lower Bluff Lakes

(Source: Added at 19 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: School Technology Program

2) Code Citation: 23 Ill. Adm. Code 575

3) Section Number: Proposed Action:

575.10 New Section
 575.20 New Section
 575.30 New Section
 575.40 New Section
 575.50 New Section
 575.60 New Section

4) Statutory Authority: 105 ILCS 5/2-3.117 (see P.A. 89-21, effective July 1, 1995)

5) A Complete Description of the Subjects and Issues Involved: These proposed rules implement P.A. 89-21, which created the School Technology Program. Under these rules, the State Board will make funds available to Illinois school districts for technology-related investments, including pertinent staff training. The proposed rules define the allowable uses of funds; describe the application process; provide for matching effort by grant recipients; and set forth the applicable terms of the grants.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 (217) 782-0541

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the proposed rules begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER O: MISCELLANEOUS

PART 575

SCHOOL TECHNOLOGY PROGRAM

Section	Purpose
575.10	Eligible Expenditures
575.20	Application Procedure and Content
575.30	Matching Requirements
575.40	Proposal Review and Approval
575.50	Terms of the Grant

AUTHORITY: Implementing and authorized by Section 2-3.117 of the School Code [105 ILCS 5/2-3.117](see P.A. 89-21, effective July 1, 1995).

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 575.10 Purpose

This Part establishes the procedures and criteria for approval of applications for funding submitted by school districts pursuant to Section 2-3.117 of the School Code [105 ILCS 5/2-3.117] (see P.A. 89-21, effective July 1, 1995).

Section 575.20 Eligible Expenditures

- a) Funding is available under the School Technology Program for Technology-based learning resources which will improve educational opportunities and student achievement throughout the State (Section 2-3.117 of the School Code).
- b) "Technology-based learning resources" shall include but not be limited to:
- 1) computers, servers, modems, printers, and other peripheral equipment;
 - 2) software and optical media;
 - 3) CD-ROM drives and laser disc players;
 - 4) installation, cabling, wiring, network hardware, and routers;
 - 5) on-line services and charges for connectivity;
 - 6) other equipment or technological devices integral to the effective use of technology in an educational setting; and
 - 7) staff development and/or planning activities related to the use of technology in an educational setting.
- c) Funding levels available to districts may vary according to the extent

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of their pre-existing technology-related investments (e.g., access or lack of access to the Internet, sufficiency or insufficiency of computer equipment). The State Board shall delineate any such parameters in an RFP issued pursuant to Section 575.30 of this Part.

Section 575.30 Application Procedure and Content

- a) Subject to the availability of funds, the State Board of Education will annually issue one or more Requests for Proposals (RFPs) specifying particular areas of technology investment eligible for funding. Each RFP shall identify the information which applicants must include in their proposals and shall require that proposals be submitted to the State Board no later than the date specified in the RFP. An RFP shall provide at least 30 calendar days in which to submit proposals.
- b) Each proposal shall consist of the following components:
 - 1) A cover page, completed on a form supplied by the State Board of Education and signed by the school district superintendent;
 - 2) A description of the district's need for the proposed project, activity, and/or resources in light of the technology-based learning resources available to the district's staff and students;
 - 3) A narrative description of the proposed project, activity, and/or resources requested, responding to the requirements enumerated in the relevant RFP;
 - 4) A statement that the district will provide the matching resources required under the RFP, if applicable (see Section 575.40 of this Part);
 - 5) Identification of the staff members to be involved in the proposed activities and a description of how they were chosen;
 - 6) If requested, a plan for evaluating the proposed project, activities, and/or use of resources, which shall correspond to the applicable specifications set forth in the RFP;
 - 7) Budget information, provided on forms supplied by the State Board of Education; and
 - 8) Such certifications and assurances as the State Board of Education may require.

Section 575.40 Matching Requirements

School districts receiving funds or technology-based resources under this program may be required to demonstrate particular forms and/or levels of local matching effort. Any such requirements shall be specified by the State Board of Education in the applicable RFP.

Section 575.50 Proposal Review and Approval

- a) Proposals submitted under this program will be evaluated in accordance

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with the following criteria:

- 1) The school district has demonstrated a need for the proposed project, activity, and/or resources. (30 points)
- 2) There is a clearly expressed relationship between the proposed project, activity, and/or resources and the district's educational goals, learning approaches, and/or school improvement plans. (30 points)
- 3) Receipt of funding under this program will contribute to the accomplishment of the district's long-term plans for the use of technology. (20 points)
- 4) The school and district staff to be involved were chosen in a manner congruent with the district's educational goals and school improvement plans. (10 points)
- 5) The district has well-developed strategies for drawing upon community resources to improve student learning. (10 points)
- b) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to districts with varying demographic characteristics.
- c) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Board in a particular RFP.
- d) The State Superintendent of Education will determine the amount of individual grant awards. The final award amounts will be based upon:
 - 1) the total amount of funds available for the program; and
 - 2) the resources requested in the top-ranked proposals, as identified pursuant to subsections (a), (b), and (c) of this Section.

Section 575.60 Terms of the Grant

An approved grant agreement with the Illinois State Board of Education is subject to the following terms.

- a) Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education according to a negotiated payment schedule. Following negotiations, contract budgets may be amended by completing an amendment to the Budget Summary and Payment Schedule and attaching supplementary documentation providing a rationale for the changes. A budget amendment must be submitted to the State Board of Education for approval whenever an individual line item changes by \$500 or 10%, whichever is larger. Changes will be approved if the proposed distribution of funds would have been allowable within the original application.
- b) All funds granted and all equipment purchased with funds granted under this program shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Funds and equipment granted for the operation of this program shall be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget and the grantee's policies and procedures related to such expenditures. Funds may only be expended for activities occurring

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during the grant period. No funds may be used to help support or sustain any institution controlled by any church or sectarian denomination (Article X, Section 3 of the Illinois Constitution).

- c) Each grant recipient shall submit a final report to the State Board of Education within 30 days after the end of the grant period. The report shall include:

- 1) an assessment of the extent to which the project's or activities' objectives were achieved, as specified by the State Board of Education in the RFP;
- 2) information on results or outcomes, as specified by the State Board of Education in the RFP;
- 3) a discussion of planned strategies for sustained activity in the area of technology use, including application of the resources provided under this program.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Definition of Salary

- 2) Code Citation: 50 Ill. Adm. Code 6302

- 3) Section Number: Proposed Action:

6302.10	Amended
6302.20	Amended
6302.30	Amended
6302.35	New Section
6302.40	Amended
6302.50	Amended
6302.60	New Section

- 4) Statutory Authority: Implementing and authorized by Section 22-501.1 of the Illinois Pension Code [40 ILCS 5/22-501.1].

- 5) A Complete Description of the Subjects and Issues Involved: The Public Pension Division of the Department of Insurance is defining "salary" for the determination of contributions made to pension funds on behalf of employees. Additionally, Section 6302.40 specifies what "salary" is not, so that consistent standards will be utilized by all pension funds.

- 6) Will this proposed Amendment replace emergency rule currently in effect?
No

- 7) Does this Amendment contain an automatic repeal date? No

- 8) Does this proposed Amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This Amendment will not necessitate the Department to establish, expand or modify our activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell
Staff Attorney
Department of Insurance
320 West Washington
Springfield, IL 62767
(217) 782-8216

Denise Fuchs
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, IL 62767
(217) 785-8560

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: The Department has determined that this Amendment will not affect small businesses.

13) Regulatory Agenda on which this Amendment was summarized: January 1995

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER fff: PENSIONS

PART 6302

DEFINITION OF SALARY

Section	Authority
6302.10	Purpose and Scope
6302.20	Definitions
6302.30	<u>Salary-Contributions-and-Pension-Computations</u>
6302.35	Salary for Pension Purposes
6302.40	<u>Non-Salary Compensation Items-Not-Included-in-Salary</u>
6302.50	<u>Retroactive Pay Increases Longevity-Pay</u>
6302.60	<u>Accumulated Unused Time at Retirement or Disability</u>

AUTHORITY: Implementing and authorized by Section 22-501.1 of the Illinois Pension Code [40 ILCS 5/22-501.1].

SOURCE: Adopted at 3 Ill. Reg. 15, p. 104, effective April 9, 1979; codified at 6 Ill. Reg. 14844; amended at 13 Ill. Reg. 3801, effective March 15, 1989; amended at 19 Ill. Reg. _____, effective _____.

Section 6302.10 Authority

This Rule is promulgated by the Director of Insurance of the State of Illinois pursuant to Section 22-501.1 of the Illinois Pension Code [40 ILCS 5/22-501.1] ~~{iii--Rev-Stat--1981--ch--108--1/27--par--22-501--}~~ which empowers the Director "...to make reasonable rules and regulations...as may be necessary for making effective and implementing the provisions of the Pension Code..." [40 ILCS 5/1-101]. ~~The purpose of this Rule is to define the word "salary" as used in~~ ~~iii--Rev-Stat--1981--ch--108--1/27--par--3-125--and--4-124~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6302.20 Purpose and Scope

The purpose of this Part is to define the word "salary" as used in Section 3-125 and 4-124 of the Illinois Pension Code [40 ILCS 5/3-125 and 4-124]. This Part ~~Rule~~ shall apply to all pension, annuity or retirement funds or systems under the authority of Articles 3-101 and 4-101 of the Illinois Pension Code [40 ILCS 5/3-101 and 4-101] which are ~~with--less--than--500--participants~~ not financed in whole or in part by ~~funds-of~~ the State of Illinois.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 6302.30 Definitions Salary-Contributions-and-Pension-Computations

~~if-the-municipality's-appropriation-ordinance-assigns-a-salary-to-a-policeman's or-fireman's-rank-that-salary-as-regularly-received-by-the-policeman-or fireman---shall-be-used-to-determine-salary-contributions-and-pension computations---otherwise-salary-shall-include-all-regularly-received-salary attached-to-rank---the-word-rank-is-not-limited-to-civil-service-ranks-but includes-all-specialty-ranks-such-as~~

Class, for purposes of this Part, means a subset of individuals in a particular rank (i.e., Patrol versus Administration). Class may also be signified by the devotion of compensation for education or other work-related achievements.

Fixed, for purposes of this Part, means a payment in a predetermined amount which can be determined through an examination of the appropriation ordinance, plans or agreements establishing salary.

Rank, for purposes of this Part, means the employee's official position, including but not limited to Civil Service Rank. Ranks established by the Police or Fire Commission, Detective, Juvenile Officer, Special Instructor, Shift Commander, Training Officer, Chief, Emergency Medical Technician (E.M.T.), Paramedic, Range Officer, and Mechanic, etc., as well as classifications devoting compensation for education and other work-related achievements.

Regular, for purposes of this Part, means a scheduled payment. The schedule may be annually, quarterly, monthly or any other basis.

Salary, for purposes of this Part, means any fixed compensation received by an employee of the municipality that participates in one of the pension funds established under Article 3 or 4 of the Illinois Pension Code, which has been approved through an appropriations ordinance of the municipality. Salary is received regularly and is attached to the rank or class to which the firefighter or police officer is assigned.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6302.35 Salary for Pension Purposes

All salary, as defined in Section 6302.30 of this Part, shall be used in pension computations for purposes of determining the correct amount of employee contributions. The following types of pay are considered salary, in accordance with the definition in Section 6302.30:

- a) Base Pay
- b) The basic salary attached to rank which is specified in the

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bargaining contract, municipal pay plan or any other document which establishes salary.

- b) Education Pay
Additional compensation for attaining certain levels of academic and professional training, such as an associate or bachelor's degree or attainment of firefighters certification or firearm certification, or any other pay given for designated educational achievement.

- c) Holiday Pay
Additional compensation paid regardless of whether the employee must work on the holiday, unless there is an option, such as time off, in lieu of cash compensation.

- d) Longevity
Additional pay received after the employee has attained a specified number of years of service. This pay may be received with regular salary or in one or more lump sum payments during the year. When paid in a lump sum, the amount should be prorated to determine the monthly equivalent to compute all pension contributions and benefits.

- e) Overtime Pay
Compensation for time worked beyond the regular work hours, which is already included in the regular salary attached to that rank or class.

- f) Specialty Rank
Compensation for services performed in positions beyond the basic rank, such as detective, juvenile officer, special instructor, shift commander, training officer, chief, emergency medical technician, paramedic, range officer or mechanic.

- g) Temporary Pay
Compensation received for temporarily performing the duties of a higher rank or specialty rank. This is to be considered salary only if the temporary position has lasted for a continuous period of more than one (1) year. After temporary pay has been received for one continuous year of service in that position, the amount is considered attached to rank and then becomes salary for purposes of pension computation.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 6302.40 Non-Salary Compensation Items-Not-Included-in-Salary

For purposes of calculating pension contributions and pension benefits, the following categories of pay shall not be considered compensation:

- a) Accumulated Unused Time
Compensation for unused accumulated vacation, sick, or personal time earned during employment, regardless of whether the compensation is received during employment or after termination.
- b) Awards

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Compensation for an extraordinary deed or accomplishment, which is not recurring in nature.

c) Automobile Allowance

Compensation for the use of the employee's personal automobile.

d) Food Allowance

Compensation for the purchase of meals while performing the duties required.

e) Housing Allowance

Compensation received for the purpose of providing housing, in whole or in part. The method of providing the housing, such as renting or purchasing, is irrelevant.

f) Merit Pay

Compensation which is neither fixed in amount or determined by a reviewing bargaining agreement or pay plan, nor added into the salary for determining future increases.

g) Overtime Pay

Compensation paid for working more than the regular hours specified in the contract or pay plan.

h) Shift Differential

Compensation for working a second or third shift, in addition to the salary attached to that rank or class.

i) Temporary Pay

Compensation received for temporarily performing the duties of a higher rank or specialty rank position shall not be considered salary unless and until this compensation has been received continually for one full year.

j) Uniform Allowance

Compensation received as reimbursement or payment for the purchase of necessary uniforms and equipment for use in the performance of the required duties. This compensation may be paid as reimbursement or as a fixed amount, regardless of the actual amount expended.

the following shall not be included in salary unless established by the appropriation ordinance:

a) Call-back pay or other salary earned as a result of working more than the regular working hours

Holiday pay which is distinguishable as an addition to salary regularly received or as an additional amount paid only to persons who actually worked on a designated holiday.

Temporary pay. This is the additional salary earned while filling in on a temporary basis for an employee of a higher rank or position who is absent or otherwise separated from service. However, where an employee has served in a temporary assignment continuously for more than one year, such assignment shall be considered the same as a specialty rank (see Section 6302.30 for examples of specialty rank) for pension contributions and benefits.

d) Reimbursements for particular expenses incurred such as food allowance or uniform allowance.

e) Lump-sum payments which are in addition to regular salary attached to

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rank--for--such--things--as--earned--vacation--compensatory--time--sick--days or other personal leave days:

f) Lump-sum bonuses of a non-recurring nature which may be paid for extraordinary deeds or accomplishments.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6302.50 Retroactive Pay Increases Longevity Pay

a) Retroactive payments of compensation are treated as if they were paid during the period for which the increase is computed. If an employee retired after the effective date of the salary increase and is entitled to receive retroactive payment of salary, the new salary becomes final salary attached to the rank at the time of retirement and the salary on which the service pension is computed.

b) Entitlement to retroactive pay is to be determined by the contract or agreement which authorizes the salary increase. Longevity pay, whether paid concurrently with regular salary or in a lump-sum annually, is included in salary. Where longevity pay is paid in a lump-sum annually, it should be prorated to compute pensions of firemen or disabled policemen.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 6302.60 Accumulated Unused Time at Retirement or Disability

a) The determination of whether compensation for accumulated but unused vacation, sick, personal time or compensation time is considered salary will be determined by the date of retirement or disability.

b) If the employee remains on the payroll and uses the time, it is then considered salary for purposes of computing pension contributions and benefits.

c) If the employee is removed from the payroll by virtue of leaving employment or being placed on disability leave while accumulated time remains unused, then the lump sum compensation received by the employee for that time is not considered salary for purposes of computing pension contributions and benefits.

d) In the instance where a municipality acts contrary to its stated policy, then there must be a written agreement between the municipality and the participant which states that the participant may remain on the payroll until the entire amount due has been paid, without these payments being considered salary for purposes of computing pension contributions or benefits.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

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1) Heading of the Part: Administration

2) Code Citation: 59 Ill. Adm. Code 101

3) Section Number: Proposed Action:

101.110

Added

4) Statutory Authority: Implementing Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) A Complete Description of the Subjects and Issues Involved: Section 101.110 sets out the procedures for appeals under Sections 7 and 8 of the Grant Funds Recovery Act [30 ILCS 705/7 and 8] of the decisions of the Department that grant funds have been misspent or improperly held by a community agency. Section 101.110 sets out the criteria for recovery, the procedure for requesting a hearing before an administrative law judge, and the procedure governing the hearing. This Section provides that the judge shall issue a recommended decision to the Department Director, who shall render the final administrative decision. That decision may be appealed to the circuit court.

6) Will this proposed amendment replace an emergency rule currently in effect? No, this proposed amendment will not replace an emergency rule currently in effect.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporation by reference? This rulemaking does not incorporate by reference any federal statutes or regulations or rules of another State agency.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Judith Hollenberg

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

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Rules Administrator
Illinois Department of Mental Health
and Developmental Disabilities
403 Stratton Building
Springfield, IL 62765
(217) 785-3313 or FAX: (217) 524-0835

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: Private and not-for-profit agencies providing mental health or developmental disabilities services that receive grant funds from the Department.

B) Reporting, bookkeeping or other procedures required for compliance: None required.

C) Types of professional skills necessary for compliance: No special skills required.

13) Regulatory Agenda on which this rulemaking was summarized: Part 101 was included in the July 1995 regulatory agenda but Section 101.110 was not. Rulemaking on this Section, although drafted some time ago, was postponed so that it could be reviewed by the Department's new Director. This rulemaking was only recently presented to the Director for her review and approval which did not require as much time as was anticipated. Thus, it should have been included in the July 1995 regulatory agenda.

The full text of the Proposed Amendment begins on the next page.

DEPARTMENT OF MENTAL HEALTH
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NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 101
ADMINISTRATION

- Section
101.10 Illinois Department of Mental Health and Developmental Disabilities
-- Internal Organization (Repealed)
101.20 Service recipients activity fund in Department facilities
101.30 Payments to the account of service recipients
101.60 Service contracts (Recodified)
101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) class members
- 101.80 Conflict of interest
101.90 Specialized living centers
101.100 Community mental health and developmental disabilities service provider participation fee trust fund
101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]

APPENDIX A Organization Charts (Repealed)

- ILLUSTRATION A Illinois Department of Mental Health and Developmental Disabilities (Repealed)
ILLUSTRATION B Associate Director (Repealed)
ILLUSTRATION C Division of Developmental Disabilities (Repealed)
ILLUSTRATION D Division of Alcoholism (Repealed)
ILLUSTRATION E Division of Management Services (Repealed)
ILLUSTRATION F Division of Community Services and Interagency Affairs (Repealed)
ILLUSTRATION G Region 1A Office (Repealed)
ILLUSTRATION H Region 1B Office (Repealed)
ILLUSTRATION I Region 2 Office (Repealed)
ILLUSTRATION J Region 2 Developmental Disabilities (Repealed)
ILLUSTRATION K Region 3A Office (Repealed)
ILLUSTRATION L Region 3B Office (Repealed)
ILLUSTRATION M Region 4 Office (Repealed)
ILLUSTRATION N Region 5 Office (Repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and Bogard et al. v. Bradley et al. consent decree (88 C 2414,

DEPARTMENT OF MENTAL HEALTH
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U.S.D.C., N.D. IL (June 2, 1993)) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, p. 277, effective December 3, 1979; amended at 4 Ill. Reg. 17, p. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984; Section 101.60 recodified to 44 Ill. Adm. Code 1250 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 18 Ill. Reg. 4179, effective March 3, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]

The Department shall recover grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705] if it believes the funds have been misspent or improperly held. If the grantee agency disagrees with the Department's decision to recover funds, it may appeal the decision, and the Department shall conduct a hearing in accordance with this Section.

a) Criteria for recovery

Grant funds shall be subject to recovery if the Department audit finds that the grant funds:

- 1) Received by the agency are in excess of actual reimbursable expenses by program;
- 2) Were not spent for the purposes specified in the grant agreement; or
- 3) Were not expended or expended by the expiration date of the grant.

b) Informal hearing

If the Department believes that grant funds received by a grantee agency are subject to recovery under the Illinois Grant Funds Recovery Act, it shall notify the agency of that fact in writing. The letter of notification shall contain:

- 1) The amount the Department believes is subject to recovery;
- 2) An offer to have an informal hearing with Department staff to resolve issues before issuing a notice of intent pursuant to subsection (c) of this Section; and
- 3) A statement that any agency wishing to have an informal hearing must request an informal hearing in writing within 15 calendar days after receipt of the Department's letter of notification. The agency shall send its letter of request to:

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Department of Mental Health and
Developmental Disabilities
100 North 9th Street
Springfield, IL 62765
Attn: Grant Funds Recovery Act Appeals

- c) Notice of intent to recover
If the informal hearing does not resolve the matter or if the agency does not request a hearing within the time specified in subsection (b) of this Section, the Department shall send a notice of intent to recover to the agency's chief executive officer. Such notice shall include the amount to be recovered, the facts permitting recovery, a statement of right to appeal the Department's findings, a description of the appeal procedure and a statement that if the agency does not appeal or respond to the letter, the Department shall take action to recover the amount specified.
- d) Request for an appeal
An agency wishing to appeal may do so by sending a letter to the Department requesting an appeal. The letter shall be sent within 35 calendar days after receipt of the notice of intent to recover sent to the Department at the address in subsection (b)(3) of this Section.
- e) Stay of proceedings
The request for a hearing shall stay any further action by the Department to recover the funds until the resolution of the appeal.
- f) Administrative law judge
The hearing shall be conducted by an administrative law judge appointed by the Department's Director.
- g) Scheduling and notice of hearings
Within 60 calendar days after receipt of the appeal, the administrative law judge shall schedule a hearing, to be held in the Department's central offices or a place agreed to by the administrative law judge, the Department staff involved and the agency. The administrative law judge shall send a written notice of the hearing to the agency via certified mail. The notice shall contain a statement of:
- 1) The nature of the hearing;
 - 2) The time and place of the hearing; and
 - 3) The right to be represented by an attorney at the agency's expense.
- h) Continuances
The administrative law judge may, on good cause shown, grant a continuance if requested by the agency.
- i) Conduct of hearings
1) The administrative law judge shall:
A) Regulate the course of the hearings;
B) Hold informal conferences for the purpose of resolving the case;

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- C) Dispose of procedural issues;
 - D) Continue the hearing from time to time when necessary;
 - E) Examine witnesses; and
 - F) Rule upon the relevance of evidence.
- 2) At the hearing, the agency and the Department may present written and oral evidence. The Department shall have the burden of proving by substantial evidence that the funds were subject to recovery, as defined in subsection (a) of this Section. On conclusion of the Department's presentation, the agency may present written and oral evidence.
- 3) The common law rules of evidence shall not be enforced in the hearing. The administrative law judge shall conduct the hearing in a manner that allows participants to present their evidence fully and freely. Either party may ask questions of each other or any witness, and the administrative law judge may ask questions of either party or any witness. Questions impeaching the witness' character or credentials shall be improper.
- 4) The hearing shall be taped or stenographically recorded and the Department shall retain the tape or a copy of the transcript. Standard of review
In all appeals, the administrative law judge shall determine whether there was substantial evidence supporting the Department's findings that the funds were subject to recovery.
- k) Recommended decision
Within 15 working days after the hearing, the administrative law judge shall issue a written decision that recommends upholding, modifying or reversing the Department's findings. The recommended decision shall contain the reasons for the administrative law judge's action. The administrative law judge shall mail copies to the agency, the Department's Chief, Bureau of Community Fiscal Services and the Department's Director. The agency's copy shall be sent via certified mail.
- l) Post-hearing briefs
1) The agency and the Department shall be given the opportunity to submit a brief to the Department's Director or his or her designee in response to the administrative law judge's recommended decision. The agency or the Department must notify the Director in writing within five working days after receipt of the recommended decision if it intends to submit a brief. Briefs must be submitted no later than 20 working days after receipt of the recommended decision.
- 2) If briefs are submitted, the agency and the Department may submit reply briefs to the Director or his or her designee. The agency or the Department must notify the Director in writing within five working days after receipt of the brief if it intends to submit a reply brief. Reply briefs must be submitted no later than 15 working days after receipt of the brief.

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m) Final administrative decision and recovery order

1) The Director or his or her designee shall review the administrative law judge's recommended decision, copies of all documents considered at the hearing and the agency's brief, if submitted. Within 20 working days after receipt of the recommended decision or the agency's brief (if submitted), the Director or his or her designee shall issue a final decision adopting, modifying or reversing the administrative law judge's recommended decision. If the Director or his or her designee determines that the recommended decision was supported by substantial evidence, he or she shall adopt the recommended decision. If the Director determines that the funds are subject to recovery, he or she may specify the method of recovery. Copies of the final decision shall be sent to the agency, the Department and the administrative law judge. The agency's copy shall be sent via certified mail. If the Director or his or her designee holds that the funds were subject to recovery, the Director shall issue a recovery order for the funds.

2) The Director's or his or her designee's decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101].

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Optometric Practice Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1320

3) Section Numbers: Proposed Action:

1320.20	Amendment
1320.30	Amendment
1320.40	Amendment
1320.50	Amendment
1320.55	Renumbered
1320.60	Amendment
1320.70	Amendment
1320.80	Amendment
1320.90	Amendment
1320.100	Amendment
1320.110	Amendment
1320.120	Renumbered
1320.200	Amendment
1320.210	Amendment
1320.220	Amendment
1320.230	Amendment
1320.240	Amendment
1320.250	Amendment
1320.260	Repealed
1320.270	Repealed
1320.300	Renumbered, New Section
1320.310	Renumbered, New Section
1320.320	New Section
1320.330	New Section
1320.340	New Section
1320.350	New Section
1320.400	Amendment, Renumbered
1320.410	Amendment, Renumbered
1320.420	Renumbered
1320.430	Amendment, Renumbered

4) Statutory Authority: The Optometric Practice Act of 1987 [225 ILCS 80] (see P.A. 89-0140, effective January 1, 1996).

5) A Complete Description of the Subjects and Issues Involved: Public Act 89-0140, effective January 1, 1996, amends the Illinois Optometric Practice Act of 1987 to make Illinois the 45th state to authorize optometrists to use therapeutic pharmaceutical agents (TPAs).

After January 1, 1996, individuals applying for an original optometry license in Illinois shall also be required to apply for certification for use of diagnostic and therapeutic ocular pharmaceutical agents.

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This rulemaking reorganizes the existing rules by creating a new Subpart C for therapeutic ocular pharmaceuticals. This Subpart sets standards for optometrists certified to use therapeutic ocular pharmaceutical agents, tells licensed optometrists how to apply for therapeutic certification, gives minimum requirements for a therapeutic ocular pharmacological training program to be approved by the Department, lists therapeutic ocular pharmaceutical agents approved for use by licensed optometrists certified under Section 15.1 of the Act, tells how to restore therapeutic certification that has lapsed or been on inactive status, and establishes how a licensed optometrist in another jurisdiction can obtain therapeutic certification in Illinois.

This rulemaking also updates other Sections. Since the Department no longer administers a comprehensive practical examination for optometrists, the endorsement Section was rewritten to require licensure applicants from other jurisdictions to submit proof of successful completion of the National Board of Examiners in Optometry (NBEO) examination.

In the Continuing Education (CE) Section, language was added to require optometrists who hold certification for therapeutic ocular pharmaceuticals to, in addition to the current 24 hours of continuing education, complete six hours of certified therapeutic pharmaceutical CE during the prerenewal period. For the renewal period ending March 31, 1998, a minimum of two of those six hours shall be on the subject of glaucoma.

New language specifies that effective April 1, 1996, certified education shall not be provided, sponsored, co-sponsored or in any way supported or financially underwritten by a CE sponsor or others who receive patient referrals from those in attendance.

Language was added to accept out of state continuing education courses approved by the Council on Optometric Practitioner Education (C.O.P.E.). Also added is language establishing that any licensed optometrist who submits a request for a waiver of CE requirements shall be deemed to be in good standing until the Department's final decision on the application has been made.

Numerous fee changes are proposed -- some higher and some lower. The application fee will jump from \$200 to \$500 but will include the cost for certification of diagnostic and therapeutic ocular pharmaceuticals.

The fee for application for certification for use of diagnostic topical ocular pharmaceuticals and certification for use of therapeutic ocular pharmaceuticals or both certifications will be \$50. Currently the application fee for a diagnostic topical ocular pharmaceuticals certificate alone is \$150.

The fee for application for an ancillary optometric license will decrease

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from \$100 to \$50 per location. The endorsement fee doubles from \$250 to \$500. The renewal fee for an optometrist license moves from \$125 to \$200 per year but includes diagnostic and therapeutic certifications.

Renewal of an ancillary optometry license will drop from \$50 to \$25 per year for each location and includes ancillary diagnostic and therapeutic certifications. The fee for renewal as a sponsor of CE increases to \$250 per year from \$125.

Restoration of a license other than from inactive status moves from \$20 to \$50 plus payment of all lapsed renewal fees. Those restoring from inactive status will not have to pay lapsed renewal fees.

Fees for a duplicate license, a name or address change other than during a renewal period and certification of a licensee's record will each be raised to \$50 from \$20.

6) Will these Proposed Amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0800 or Fax: (217) 782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Optometrists and their continuing education sponsors.

B) Reporting, bookkeeping or other procedures required for compliance:

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Individuals applying for an original optometry license after January 1, 1996, shall also be required to apply for certification for use of diagnostic topical ocular pharmaceutical agents in accordance with Subpart B of the rules and therapeutic ocular pharmaceutical agents in accordance with Subpart C.

Optometrists seeking licensure in Illinois by endorsement will be required to submit proof that they have passed the National Board of Examiners in Optometry examination. If a licensee attends an out of state C.O.P.E. approved course, he/she will not be required to submit an out of state CE approval form or pay the \$10 processing fee required of others seeking credit in Illinois for CE hours earned in other states.

C) Types of professional skills necessary for compliance: Skills in optometry are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1995.

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1320

OPTOMETRIC PRACTICE ACT OF 1987

SUBPART A: OPTOMETRY

Section	Approved Programs of Optometry
1320.20	Application for Licensure
1320.30	Examinations
1320.40	Fees (Emergency Expired)
1320.45	Endorsement
1320.50	Renewals (Renumbered)
1320.55	Inactive Status
1320.60	Restoration
1320.70	Continuing Education
1320.80	Minimum Eye Examination
1320.90	Minimum Equipment List
1320.95	Practice of Optometry
1320.100	Advertising
1320.110	Granting Variances (Renumbered)
1320.120	

SUBPART B: TOPICAL OCULAR PHARMACEUTICALS

Section	Definitions and Standards
1320.200	Application for Diagnostic Certification
1320.210	Approved Diagnostic Topical Ocular Pharmacological Training
1320.220	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.230	Restoration of Diagnostic Certification
1320.240	Endorsement of Diagnostic Certification <u>Certificate</u>
1320.250	Renewal of Certification (Repealed)
1320.260	Display of Certification (Repealed)
1320.270	

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS ~~GENERAL~~

Section	Definitions and Standards Fees
1320.300	Application for Therapeutic Certification Apprentice--Licenses--and
1320.310	Certificates
1320.320	Approved Therapeutic Ocular Pharmacological Training
1320.330	Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.340	Restoration of Therapeutic Certification

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1320.350 Endorsement of Therapeutic CertificationSUBPART D: GENERALSection

1320.400 ~~1320-300~~ Fees
1320.410 ~~1320-310~~ Ancillary Licenses
1320.420 ~~1320-55~~ Renewals
1320.430 ~~1320-120~~ Granting Variances

AUTHORITY: Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: OPTOMETRYSection 1320.20 Approved Programs of Optometry

a) The Department of Professional Regulation (the "Department") shall, upon the recommendation of the Illinois Optometric Licensing and Disciplinary Committee (the "Committee"), approve an optometry program ~~as-reputable-and-in-good-standing~~ if it meets the following minimum criteria:

- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer the Doctor of Optometry degree.
- 2) Has a faculty that comprises ~~which-is-comprised-of~~ a sufficient number of full-time instructors to make certain that the educational obligations to the students ~~student~~ are fulfilled. The faculty must have demonstrated competence in their area of

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teaching as evidenced by appropriate degrees from professional colleges or institutions.

- 3) Has a curriculum of at least the following subject areas:

Basic Science, including Anatomy, Physiology, and Biochemistry
 Psychological Optics
 Practical Optics
 Anatomy and Physiology of the Eye
 Pathology of the Eye
 Physiological Optics
 Theoretical Optometry
 Practical Optometry
 Clinical Optometry
 Theory and Practice of Contact Lens Fitting
 Pharmacology

- 4) Has a course of study of 4 academic years above the undergraduate level.

- 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

- b) In determining whether a school or college should be approved, the Department shall take into consideration but not be bound by accreditation by the Council on Optometric Education ~~or-approved-by-the-International-Optometric-and-Optical-League~~.

- c) The Committee shall periodically review the curriculum of approved optometry programs in conjunction with current ophthalmic procedures and issue a list of those procedure descriptive codes which meet the current standard of practice.

- d) New procedures that require specific training and assessment of competency shall be considered by the Department upon the written recommendation of the Committee. The Department, upon recommendation of the Committee, has determined that laser surgery shall not be considered an optometric procedure.

e) Program Evaluation

- 1) An applicant from an optometry program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.

- 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Committee will evaluate the program based on all documentation received from the school and any additional information the Department has received which it deems to be reliable.

f) Withdrawal of Approval

- 1) The Director may, upon a written recommendation submitted by the Committee, withdraw, suspend or place on probation the approval of an optometry program when the quality of the program has been

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materially affected by any of the following causes:

- A) Gross or repeated violations of any provision of the Illinois Optometric Practice Act of 1987 [225 ILCS 80] ~~that~~ Rev.-Stat.-1987, ch.-117, pars.-3981-et-seq.7 (the "Act");
 - B) Gross or repeated violations of any of this Part;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the optometry program; or
 - D) Failure to continue to meet the established criteria of an approved optometry program as set out in this Section.
- 2) An optometry program whose approval is being reconsidered by the Department shall be given written notice prior to any recommendation by the Committee and the officials in charge may either submit written comments or request a hearing before the Committee in accordance with 68 Ill. Adm. Code 1110.
- g) ~~The~~ The Department, upon the recommendation of the Committee, has determined that optometry programs accredited by the Council on Optometric Education as of January 1, 1996 ~~1989~~, meet the minimum criteria set forth in subsection (a) above and are, therefore, approved.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.30 Application for Licensure

- a) An individual applying for a license to practice optometry shall file an application on forms supplied by the Department. The application shall include:
 - 1) ~~a~~ Certification of graduation from a ~~an~~-approved 4-year optometry graduate level program approved by the Department in accordance with Section 1320.20;
 - 2) ~~a~~ Certification of passage Passage of the National Board of Examiners in Optometry (NBEO) examinations as set forth in Section 1320.40. The applicant shall have the examination scores submitted to the Department directly from NBEO;
 - 3) ~~a~~ A complete work history since graduation from an optometry program;
 - 4) ~~a~~ Certification of licensure from all United States jurisdictions in which the applicant has ever been licensed, if applicable, stating:
 - A) ~~The~~ the time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) ~~a~~ A description of the licensure examination in that jurisdiction;
 - C) ~~Whether~~ whether the file on the applicant contains any record of any disciplinary actions taken or pending; and
- 5) ~~The~~ The required fee set forth in Section 1320.400 ~~1320-300~~ of this

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Part.

- b) Individuals applying for an original optometry license after January 1, 1996 shall also be required to apply for and maintain certification for use of diagnostic topical ocular pharmaceutical agents in accordance with Subpart B and therapeutic ocular pharmaceutical agents in accordance with Subpart C.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.40 Examinations

- a) The examination for licensure as an optometrist in Illinois shall be Part I, Part II and Part III of the examination administered by the National Board of Examiners in Optometry (NBEO).
- b) An applicant must direct NBEO to submit evidence of the passage ~~successful~~ successful of the entire NBEO examination, by NBEO standards, to the Department.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.50 Endorsement

- a) An applicant who is licensed under the laws of another United States jurisdiction shall file an application with the Department together with:
 - 1) Certification of graduation from an approved optometry program approved by the Department in accordance with Section 1320.20 college;
 - 2) Certification A-certification of licensure from all United States jurisdictions in which the applicant has ever been licensed, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the records of the licensing entity file-on--the applicant contains any record of any disciplinary actions taken or pending against the applicant;
 - 3) A copy of the acts and rules in effect at the time of original licensure;
 - 4) Certification of passage of Part I and Part II of the National Board of Examiners in Optometry (NBEO) examination, by NBEO standards;
 - 5) ~~a~~ a Certification of passage Successful-completion of Part III of the examination administered by NBEO, by NBEO standards, or a

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comprehensive practical examination administered in another jurisdiction equivalent to the comprehensive practical examination administered by the Department prior to July 1991;

6) ~~5~~ A complete work history since graduation from an optometry program; and

7) ~~6~~ The required fee as set forth in Section 1320.400 ~~1320-300~~.

- b) The Department shall examine each endorsement application to determine whether the requirements in the ~~United States~~ jurisdiction at the date of licensure were substantially equivalent to the requirements then in force in this State. If an applicant has taken a licensure examination other than Part I and Part II of the National Board prior to 1970, the examination and results will be required by the Committee to determine that substantially equivalent requirements have been met.

The Department shall within a reasonable time either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

- c) The Department may, in individual cases, upon recommendation of the Committee, in accordance with Section 11 of the Act, waive the comprehensive practical examination for an applicant for endorsement, after full consideration of his/her optometric education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to optometry, and any other attribute which the Committee accepts as evidence that such applicant has outstanding and proven ability in optometry.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.55 Renewals (Renumbered)

(Source: Section 1320.55 renumbered to Section 1320.420 at 19 Ill. Reg. _____, effective _____)

Section 1320.60 Inactive Status

- a) Any licensed optometrist who notifies the Department in writing on forms prescribed by the Department may elect to place his/her license on inactive status and shall be excused from the payment of renewal fees until he/she notifies the Department in writing of the ~~his~~ desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1320.70 of this Part.
- c) Any licensed optometrist whose license is on inactive status shall not practice optometry in the State of Illinois.
- d) Practicing optometry with a license that has been placed on inactive status shall be considered to be the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

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d) ~~If--an-optometrist's--license--is--placed--on--inactive--status--all ancillary licenses and all topical-ocular-pharmaceutical-agents--(p005) certificates shall be placed on inactive status.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.70 Restoration

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Department, together with:

- 1) Proof of completion of the required number of continuing education (CE) hours for all prerenewal periods for which the license was expired or on inactive status as specified in Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and
- 2) The restoration fee(s), when restoring an expired license, specified in Section 1320.400 ~~1320-300~~(c)(1) of this Part; or
- 3) The renewal fee(s), when restoring an inactive license, specified in Section 1320.400 ~~1320-300~~(b)(1) of this Part.

- b) In addition to satisfying the requirements of subsection (a) above, the licensee shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If application is made within 2 ~~two~~ years of discharge, and if all other provisions of Section 16 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;
- 3) Evidence of other education or experience acceptable to the Department of the licensee's fitness to have the certificate restored. Such evidence shall be reviewed on a case by case basis by the Committee; or
- 4) Certification of passage ~~Successful completion~~ of Part III of the examination administered by NBEO, by NBEO standards. The Committee may, in its discretion and in individual cases, make a recommendation to the Director for the waiver of the clinical skills examination or Part III of the examination in accordance with Section 11 of the Act based on quality of education, training and experience including, but not limited to, special honors and awards, articles published in optometry journals, writing ~~written~~ or participation ~~participated~~ in the writing of textbooks in optometry or any other circumstances or attribute

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which the Committee accepts as evidence that such applicant has outstanding and proven ability in optometry.

- c) A licensee seeking restoration of a license which has expired or been on inactive status for less than 3 years, or has been placed in nonrenewed status for failure to comply with continuing education (CE) requirements shall file an application on forms provided by the Department, together with:

- 1) Proof of completion of the required number of continuing education hours for all prerenewal periods for which the licensee was on inactive status as specified in Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; and
- 2) The restoration fee(s) specified in Section 1320.400 ~~§20-300~~ of this Part. For the purpose of restoring from inactive status the Department shall consider that no renewal fees have lapsed during the period of inactive status.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of the license will be requested to:

- 1) Provide provide such information as may be necessary; and/or
- 2) Appear ~~appear~~ for interview(s) before the Committee when the information available to the Committee is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Committee, and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.80 Continuing Education

- a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of optometry required during each prerenewal period. A prerenewal period is the 24 months preceding March 31 in the year of the renewal. For the March 31, 1998 renewal and every renewal thereafter, optometrists who hold certification for therapeutic ocular pharmaceuticals shall, in addition to the 24 hours of CE, complete 6 hours of certified CE in the treatment of ocular disease during the prerenewal period as set forth in subsection (b)(3).

- 2) A CE hour equals 50 60 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.

- 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original

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issuance of the license.

- 4) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

b) Approved Continuing Education

- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).
- 2) For the March 31, 1992, renewal and every renewal thereafter, as part of the 24 hours of required continuing education, each licensee shall complete during each prerenewal period at least 6 hours of credit which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 ~~§§17-Rev-Stat-1997-CH-1117-Par-4400-1-through-4400-637~~ [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act ~~§§17-Rev-Stat-1997-CH-1117-Par-4400-1-through-4400-637~~ [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act ~~§§17-Rev-Stat-1997-CH-1117-Par-4400-1-through-4400-637~~ [225 ILCS 60].

- A) Each certified course shall include at least 2 hours of actual course presentation and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material. A maximum of one half hour additional credit will be given for the required post course evaluation.

- i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site.

- ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.

- iii) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.

- B) Licensees who attend a certified education course without ~~passage successful completion~~ of a post-course evaluation may apply actual course hours toward fulfillment of the additional continuing education requirements as set forth in subsections (b)(1) and (b)(3).

- C) Any approved continuing education sponsor may offer, in conjunction with the above-referenced college or university, a certified course. Effective April 1, 1996, certified continuing education shall not be provided, sponsored, co-sponsored or in any way be supported or financially underwritten by a CE sponsor or others who receive patient

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referrals from those in attendance. Institutions in subsection (b)(2) are not deemed in violation of this Section.

D) Transcript quality continuing education courses shall be deemed equivalent to the certified courses ~~course~~ if they meet the requirements set forth in subsection (b)(2)(A) above.

E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.

F) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.

3) Six (6) hours of certified CE courses in the treatment of ocular disease are required for licensees who are certified for therapeutic ocular pharmaceuticals in addition to the 24 CE hours required to renew an optometry license.

A) For the period ending March 31, 1998, a minimum of 2 hours shall be in the study of glaucoma.

B) The certified therapeutic CE courses shall meet the same requirements set forth in subsection (b)(2) above.

C) An optometrist who has completed the 120 hour therapeutic training set forth in Section 1320.300 during the prerenewal period will be considered to have met the CE requirements for that renewal period.

4) 3) Eighteen (18) hours of CE credit may be earned as follows (not accepted for certified CE):

A) A maximum of 12 hours per prerenewal period for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each appropriately verified.

B) A maximum of 12 hours per prerenewal period for verified teaching of students at an optometry school approved by the Department, or practicing optometrists in CE programs approved by the Department. One hour of teaching at an optometry school approved by the Department is equal to one hour of continuing education.

C) A maximum of 2 hours per prerenewal period for verified self-instruction that ~~by--means--of--individual--use--of audio-visual--materials--which~~ is sponsored or cosponsored by any previously approved optometry college, institution or national, state or local optometry association--~~or organization--similar--to--the--foregoing.~~

D) A maximum of 4 hours per prerenewal period for courses in practice management which includes business management.

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E) A maximum of 2 hours of continuing education in cardiopulmonary resuscitation may be earned per prerenewal period.

4) For only one prerenewal period for the duration of an optometry license in Illinois, a licensee may take a 4 hour certified continuing education course in cardiopulmonary resuscitation to satisfy 4 of the 6 hours of certified continuing education required in subsection (b)(2) above.

5) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.

6) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Continuing Education Sponsors and Programs

1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group that which has been approved and authorized by the Department upon the recommendation of the committee to coordinate and present continuing education courses or programs.

2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.400(a)(6), 1320.300(a)(7), which includes certifies:

A) Certification:

i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) and all other criteria in this Section;

ii) That that the sponsor will be responsible for verifying attendance at each course or program and for providing--and provide a certificate of completion as set forth in subsection (b);

iii) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance; and

iv) That that each sponsor shall submit to the Department a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered;

B) A history and the experience of the sponsor as an educational provider;

C) A copy of a sample program with faculty, course materials and syllabi;

D) The name and address of the contact person responsible for all recordkeeping; and

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E) A list of all principals of the organization applying for a sponsor license.

3) Each sponsor shall submit by March 31 of each even numbered year a sponsor application along with the required fee set forth in Section 1320.400(b)(3) 1320-388(b)757 of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.

4) All courses and programs shall:

A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry.

B) Provide provide experiences that which contain scientific integrity, relevant subject matter and course materials; and

C) Be be developed and presented by persons with education and/or experience in subject matter of the program.

5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.

6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and categories that may be applied toward Illinois CE requirements for licensure renewal.

7) Certificate of Attendance

A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:

i) The name, sponsor number and address of the sponsor;

ii) The name and--address of the participant and his/her their optometry license number;

iii) A detailed statement of the subject matter;

iv) The number of hours actually attended in each topic;

v) The date of the program;

vi) Whether the course qualifies for certified continuing education and if the post-course evaluation was passed or failed.

B) The sponsor shall maintain these records for not less than 5 years. These records shall include all test materials utilized for certified courses.

8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.

9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Committee (see 68 Ill.

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Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.

d) Continuing Education Earned in Other States. If a licensee has earned CE hours in another state or territory for which he/she will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form application along with a \$10 processing fee within 90 days of completion of the course. The Committee shall review and recommend approval or disapproval of this program using the criteria set forth in this Section. The Committee has determined that the Council on Optometric Practitioner Education (C.O.P.E.) approved courses are acceptable for out of state continuing education. If a licensee attends an out of state C.O.P.E. approved course, the licensee will not be required to submit the out of state CE approval form and the \$10 processing fee.

e) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Committee, at which time the Committee may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act (1117-Rev--Stat--1991--ch--127--part--1010-65) (5 ILCS 100/10-65).

f) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 1320.400(b)(1) 1320-388, a statement setting forth the facts (including time frames) concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Committee, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full time service in the armed forces of the United States of America during a substantial part of such period; or

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- B) Extreme hardship, which shall be determined on an individual basis by the Committee and shall be limited to documentation of:
- i) An an incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Committee is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.90 Minimum Eye Examination

In the absence of good reasons to the contrary, the following minimum examination shall be performed and findings recorded by an optometrist, and he/she shall keep a record thereof for a period of 3 years:

- a) Complete case history.
- b) Visual acuity at distance.
 - 1) Unaided (mono plus binocular).
 - 2) Last prescription or habitual prescription (mono plus binocular).
- c) External examination, including pupil reactivity.
- d) Internal examination (ophthalmoscopic Examination---ophthalmoscopic examination).
- e) Retinoscopy.
- f) Refractive status.
 - 1) Subjective refraction to best visual acuity at distance.
 - 2) Subjective refraction at near.
- g) Measurement of binocularity: including vergences, phoric and accommodative ability.
- h) Color vision screening.
- i) Glaucoma screening including tonometry.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.100 Practice of Optometry

- a) The practice of optometry as defined in Section 3 of the Act shall

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include, but not be limited to, the following functions:

- 1) Prescribing and fitting of any ophthalmic lenses including contact lenses.
 - 2) Retinoscopy.
 - 3) Tonometry.
 - 4) Keratometry.
 - 5) Subjective lens testing Benz-Testing.
 - 6) Phoria testing.
 - 7) Biomicroscopy.
 - 8) Ophthalmoscopy.
 - 9) Electronic or computerized examination techniques that utilize devices that perform any of the above functions.
 - 10) Visual screening.
 - 11) Diagnosis and treatment of any ocular abnormality, disease or visual or muscular anomaly of the human eye or visual system. the diagnosis-of-anomalies-of-the-eye-adnexa-and-the-visual-system.
- b) Visual Screening
- 1) Nothing in this Section shall prohibit visual screening conducted by a charitable organization or governmental agency, acting in the public welfare under the supervision of a committee composed of persons licensed by the State to practice optometry or medicine in all of its branches.
 - 2) Visual screening is defined as a limited series of ocular observations, measurements or tests to determine if a complete eye examination, as described in Section 1320.90, by a licensed optometrist or a physician licensed to practice medicine in all of its branches, is recommended.
 - 3) When a licensed optometrist performs public service visual screenings or visual screenings for governmental agencies, the recipient of the screening shall be clearly informed in writing of the following:
 - A) Results and limitations of the screening;
 - B) That the screening is not representative of or a substitute for an eye exam;
 - C) That the screening will not result in a prescription for visual correction; and
 - D) That visual screening referral criteria for a complete eye examination must meet accepted optometric professional standards criteria.
 - c) No ophthalmic lenses, prisms, or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches.
 - d) The following acts shall not be performed by an individual not licensed in this State as an optometrist or to practice medicine in all of its branches except while acting under the direct supervision of a person so licensed:
 - 1) Conducting or performing examinations of the human eye or its

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appendages employing either objective or subjective means, or both for the purpose of adapting contact lenses to the eyes of any person;

- 2) Using instruments or appliances of any type to determine the curvatures of the eye or of the cornea of any person for the purpose of ordering or supplying contact lenses for such person;
- 3) Determining, selecting or specifying the lens characteristics or the lens curvatures of contact lenses to be supplied to any person;

- 4) Converting, altering, or varying in any manner a prescription for contact lenses prepared by an optometrist or a person licensed to practice medicine in all its branches in this State;

- 5) Converting, altering, or varying in any manner a prescription for spectacles prepared by an optometrist or a person licensed to practice medicine in all of its branches in this State for the purpose of converting such prescription for spectacles into a prescription for contact lenses;

- 6) Inserting, removing, adjusting or adapting contact lenses for the purpose of selecting, specifying or furnishing contact lenses for use by any person;

- 7) Conducting or performing any examination of the human eye or its appendages employing either objective or subjective means or both for the purpose of determining the effects which may have resulted from wearing contact lenses by any person;

- 8) Where a person has been provided with contact lenses pursuant to a prescription by an optometrist or a person licensed to practice medicine in all of its branches in this State, adjusting, adapting or changing the lens characteristics or the lens curvatures of such contact lens in any manner whatsoever;

- 9) Advertising, representing or informing the general public by any means, including, but not limited to, display advertising in newspapers and telephone directories within the State of Illinois, that he/she will fit or adapt contact lenses for the use of any person.

- e) Direct supervision of any person assisting an optometrist means:

- 1) The optometrist personally performs those procedures requiring professional judgment. Professional judgment requires that the optometrist shall perform those procedures for the diagnosis and treatment of anomalies of the eye, adnexa, and the visual system, including for example, but not limited to, biomicroscopy, ophthalmoscopy, all therapeutic procedures and the prescribing of any ophthalmic lenses, including contact lenses.

- 2) The optometrist shall specify all procedures to be performed by the assistant.

- 3) The optometrist is present in the facility while the assistant performs the procedure (does not mean that the optometrist must be present with the patient while the specified procedures are being performed).

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- 4) The optometrist approves the results of the procedures performed by the assistant before dismissal of the patient.

- f) Requirements for the minimum eye exam as outlined in Section 1320.90 are still applicable and are not changed or altered by the above provisions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.110 Advertising

- a) The name of the licensed optometrist shall be conspicuously displayed at the entrance of each office or store where eyecare and eyewear services are offered. In an establishment where other services or goods are offered in addition to eyecare and eyewear, the name of the optometrist shall be conspicuously displayed at the entrance of the eyecare and eyewear section.

- b) All advertising of optometric services, including, but not limited to, the advertising of optometric examinations in connection with the advertising of optical goods, shall contain the statement that all advertising of optical goods, shall contain the statement that all optometric services are performed by a licensed optometrist.

- c) Only a licensed optometrist, optometrist-and-a-physician-licensed-to-practice-medicine-in-all-of-its-branches are permitted to advertise or imply that they are authorized to measure the power of vision.

- d) Only licensed optometrists therapeutically certified are permitted to advertise or imply provision of eye disease treatment or emergency ocular services.

- e) Nothing in this Section shall prohibit any person licensed in this State under any other Act from advertising services for which he/she is licensed to provide.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.120 Granting Variances (Renumbered)

(Source: Section 1320.120 renumbered to Section 1320.430 at 19 Ill. Reg. _____, effective _____)

SUBPART B: TOPICAL OCULAR PHARMACEUTICALS

Section 1320.200 Definitions and Standards

- a) An optometrist's certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall be revoked, suspended and/or placed on probation and fines may be levied by the Department upon recommendation of the Committee based upon any of the following causes:

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institutions:

b) The program has a curriculum of at least the following subject areas:

- 1) General principles of drug action
 - A) Definition of terms
 - i) Drug
 - ii) Pharmacology
 - B) Medical uses of drugs
 - i) Therapeutic drugs
 - ii) Symptomatic therapeutic agents
 - iii) Prophylactics
 - iv) Adjunctives
 - v) Diagnostics
 - C) Non-medical uses of adjunctives
 - D) Dose-response relationships
 - i) By drug classification
 - ii) Consideration of polyvalence--main effects and side effects
 - E) Drug disposition
 - F) Routes of potency, toxicity, safety, tolerance
- 2) Routes of drug administration
 - A) Systemic
 - B) Topical
- 3) Dosage forms
 - A) Comparative properties
 - B) Prescription (legend) products and over-the-counter (OTC) products
- 4) Sources of drug information
 - A) Composition of commercial products
 - B) Generic--trade name equivalents
 - C) Indications and adverse effects
 - D) Drug regulations
- 5) Specific drug classes
 - A) Miotics, mydriatics and cycloplegic drugs
 - i) Neurotransmitter functions
 - ii) Drug modification of transmitter functions
 - iii) Clinical uses
 - B) Drugs used to treat glaucoma
 - C) Local anesthetics
 - i) Chemical nature
 - ii) Sites of administration
 - iii) Mechanisms of action
 - iv) Duration and toxicity
 - D) Problems of sterility, disinfection and asepsis related to optometric practice
 - E) Pharmaceutical agents used in ocular examination
- 6) Ocular side effects of drugs systemically administered
 - A) Relationship of age, amount given, health and idiosyncrasies

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- B) Drugs in current use
- C) Drugs of current abuse
- 7) Over-the-counter ophthalmic preparation (including those used with contact lenses)
 - A) Types
 - B) Consideration of preservatives in them
- 8) Anti-infective therapy
 - A) Antibacterial drugs
 - B) Fungistatic drugs
 - C) Antiviral drugs
- 9) Anti-inflammatory therapy
 - A) Antihistamines
 - B) Steroids
 - C) Sympathomimetic amines
- 10) Principles of CPR
- c) The program includes a minimum of 55 instructional hours, and requires for program completion the passage of a comprehensive examination designed to test the student's students knowledge of and ability to apply the program's subject matter.
- d) The Department, upon the recommendation of the Committee Board, has determined that courses of pharmacological training which are an integrated part of any program of optometry approved in accordance with the provisions of Section 1320.20 of this Part meet the criteria specified herein, and are, therefore, approved.
- e) Program Evaluation
 - 1) An applicant from a diagnostic pharmacological training program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.
 - 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Committee Board will evaluate the program based on all documentation received from the program and any additional information the Department has received which it deems to be reliable.
 - f) The Department may shall, upon the recommendation of the Committee Board, withdraw the approval of any program of pharmacological training for any of the following grounds:
 - 1) Fraud or dishonesty in applying for approval;
 - 2) Failure to continue to meet the criteria for an approved program as stated in this Section.
 - g) A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Committee Board, and the officials in charge may either submit written comments or request a hearing before the Committee Board.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 1320.230 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act

- a) The following diagnostic topical ocular pharmaceutical agents are approved for use by only diagnostically certified licensed optometrists ~~Registered--Optometrists-certified-under-Section-4.1-of the-Act:~~

- 1) Proparacaine HCL (0.5%)
- 2) Benoxinate HCL (0.4%)
- 3) Tropicamide (0.5% and 1.0%)
- 4) Cyclopentolate (0.5% and 1.0%)
- 5) Atropine Sulfate (ointment) (0.5%)
- 6) Homatropine (2.0% and 5.0%)
- 7) Phenylephrine HCL (2.5%)
- 8) Hydroxyamphetamine Hydrobromide (1.0%)

- b) Licensed optometrists therapeutically certified pursuant to Subpart C of this Part may use anesthetics, mydriatics, cycloplegics and miotics.

c) The Department shall, upon the recommendation of ~~at least 5 members of the Board Committee~~, approve other topical anesthetics, cycloplegics and mydriatics that ~~which~~ meet the following criteria:

- 1) Such agents have been approved for topical use by the U.S. Food and Drug Administration;
- 2) Such agents offer a diagnostic alternative or advantage over the existing list of approved agents; and
- 3) Such agents have been determined, in the judgement of the Committee Board, to be beneficial with no substantial risk to the ultimate consumer.

(Source: Amended at 19 Ill. Reg. _____, effective this Part ~~23-06-the-Act.~~)

Section 1320.240 Restoration of Diagnostic Certification

- a) A certification that ~~which~~ has lapsed or been on inactive status for less than 3 ~~five~~ years shall be restored upon application to the Department, proof of a current Illinois optometric license and upon payment of the required fees specified in Section 1320.400(c)(1) of ~~this Part 23-06-the-Act.~~

- b) A certification that ~~which~~ has lapsed or been on inactive status for more than 3 ~~five~~ years shall be restored with proof of a current Illinois optometric license and submission ~~upon~~ of an application to the Department, which shall include the following:

- 1) Sworn evidence of active practice in another jurisdiction that ~~which~~ allows the use of diagnostic topical ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee ~~registrant~~ was authorized to practice during the

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term of said active practice and indicates if any disciplinary action has been taken or is pending; or

- 2) Other evidence that the applicant has maintained competence in use of diagnostic topical ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Committee Board and may include:

- A) Teaching ~~teaching~~ ocular pharmacology in an educational program approved in accordance with Section 1320.220 of this Part; or
- B) Research ~~research~~ in ocular pharmacology, or
- 3) Proof of passage ~~successful-completion~~ within the year preceding application of an approved training program as specified in Section 1320.220 of this Part; or
- 4) Proof ~~of--successful-completion--within--the--year--preceding application-of-the-Ocular-Pharmacology-Section-of-the-examination-of-the-National-Board-of-Examiners-in-Optomety-~~
- 4) The required fees set forth in Section 1320.400(c)(1).

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is ~~reasonably~~ questioned by the Department or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification ~~discrepancies--or--conflicts--in--information--needing further-clarification--and/or--missing--information~~, the applicant ~~registrant~~ seeking restoration of the ~~his~~ certification will be requested to:

- 1) Provide ~~provide~~ such information as may be necessary; and/or
- 2) ~~explain-such-relevance-or-sufficiency-during-an-oral-interview-~~ or

2) ~~3) Appear~~ appear for an ~~additional~~ oral interview(s) before the Committee ~~Technical-Review-Board-when-the-information--available to--the--Board~~ to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order ~~is-insufficient~~ to evaluate the individual's current competency to use diagnostic topical ocular pharmaceutical agents. Upon the recommendation of the Committee and approval by the Department ~~Technical-Review-Board~~, the applicant shall have the ~~his~~ certification restored.

(Source: Amended at 19 Ill. Reg. _____, effective this Part _____)

Section 1320.250 Endorsement of Diagnostic Certification Certificate

- a) An applicant licensed to practice optometry in another jurisdiction after January 1, 1988, shall be required to apply for and obtain certification to use diagnostic topical ocular pharmaceutical agents ~~a~~ ~~WPS-permit~~ in conjunction with his/her optometry license.
- b) An applicant who is licensed or certified under the laws of another

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jurisdiction to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the Department, on forms provided by the Department, together with:

- 1) An application for licensure as an optometrist in the State of Illinois and meet the requirements set forth in the Act and Section 1320.50 for such licensure;

- 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:

- A) The time during which the applicant was licensed in that state;

- B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;

- C) A description of the examination and grade received;

- 3) A description of the diagnostic topical ocular pharmaceutical ~~TOPS~~ training received;

- 4) A copy of the acts and rules from the original state of licensure in effect at the time of ~~original certification or~~ licensure; and the required fee set forth in Section 1320.400 ~~1320-300~~.

- c) An applicant who is licensed as an optometrist in another jurisdiction, whose optometry license includes the ability to use topical ocular pharmaceuticals, will be eligible to receive diagnostic topical ocular pharmaceutical certification ~~issued a TOPS certificate~~ by the Department if he/she meets the requirements set forth in subsection (b) above.

- d) The applicant may be required to appear before the Committee Board:

- 1) To clarify or explain information contained on the submitted documentation; or
- 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 ~~15.1~~ of the Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1320.260 Renewal of Certification (Repealed)

~~Every certification issued under the provisions of Section 4.1 of the Act shall expire on the expiration date of the holder's superior license to practice optometry. Such certification may be renewed by paying the required fee.~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 1320.270 Display of Certification (Repealed)

~~Every certification issued under the provisions of Section 4.1 of the Act shall be prominently displayed alongside the holder's license to practice optometry.~~

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(Source: Repealed at 19 Ill. Reg. _____, effective _____)

SUBPART C: THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS ~~GENERAL~~Section 1320.300 Definitions and Standards ~~Fees~~

- a) Ophthalmic emergency care involves an acute condition that in the judgment of the optometrist may be sight threatening, requires the optometrist to initiate nonsurgical emergency procedures and requires patient referral and consultation with another appropriate health care professional.

- b) Any optometrist certified to use therapeutic ocular pharmaceutical agents shall be authorized to purchase such drugs and to utilize and dispense such drugs in the regular course of practicing optometry. The dispensing of the drugs shall be the personal act of the person certified to use therapeutic ocular pharmaceutical agents and may not be delegated to any other person. Optometrists shall utilize and dispense manufacturers' samples or other legend drugs in a maximum 72 hour supply, unless the smallest quantity generally available is greater, without a prescription. A signed written prescription for legend drugs must be presented to the patient in all other circumstances at the conclusion of the examination. An optometrist shall be required to keep a copy of all prescriptions written.

- c) An optometrist's certification to use therapeutic ocular pharmaceutical agents may be revoked, suspended or placed on probation and fines levied by the Department upon recommendation of the Committee based upon any of the following causes:

- 1) The use of any therapeutic ocular pharmaceutical agent that is not approved for use;
- 2) The misuse of any therapeutic ocular pharmaceutical agent or procedure where the optometrist knew or should have known that such use was improper or contraindicated;
- 3) Failure to take reasonable steps to ensure or arrange for follow-up care or for referral of a patient to an appropriate health care professional after providing ophthalmic emergency care;
- 4) Any other violations of the Act or this Part.

- d) In determining what constitutes grave or repeated misuse of any topical ocular pharmaceutical agent, the Committee shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:

- 1) A consideration of whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice;
- 2) A consideration that said act or acts committed constituted a

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breach of standards of practice to possess and apply knowledge, skill and care in using approved therapeutic ocular pharmaceutical agents for the purpose of aiding the treatment of abnormal conditions that are ordinarily used by an optometrist certified under Section 15.1 of the Act.

- 3) A consideration that a mere mistake that is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.
- 4) A consideration that, in determining the applicable standard of use, the Committee shall consider the opinion and the testimony of experts.

(Source: Section 1320.300 renumbered to Section 1320.400, new Section 1320.300 added at 19 Ill. Reg. _____, effective _____)

Section 1320.310 Application for Therapeutic Certification Ancillary--Licenses and-Certificates

A. licensed optometrist seeking certification to use therapeutic ocular pharmaceutical agents for examination purposes shall file an application with the Department, on forms provided by the Department:

- a) Either:
- 1) Certification signed by the Dean of the applicant's optometry program that the applicant has successfully completed 30 hours of therapeutic ocular training in systemic disease. The training shall have been integrated in the optometric training and shall have been taught by medical faculty who are credentialed in the appropriate medical specialties that would be equivalent to the requirements set forth in Section 1320.320(b)(2). Only optometrists who graduated from an optometry program approved by the Department in accordance with Section 1320.20 after January 1, 1994 are eligible to apply under this subsection;
 - 2) Certification of training and proof of completion of an approved therapeutic ocular pharmaceutical course as set forth in Section 1320.320 of this Part. Such course shall have been taken after January 1, 1994.
- b) Proof of diagnostic ocular pharmaceutical certification in accordance with Subpart B.
- c) The required fee set forth in Section 1320.400(a)(2) of this Part.

(Source: Section 1320.310 renumbered to Section 1320.410, new Section 1320.310 added at 19 Ill. Reg. _____, effective _____)

Section 1320.320 Approved Therapeutic Ocular Pharmaceutical Training

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The Department shall, upon the recommendation of the Committee, approve a program of therapeutic ocular pharmacological training that meets the following minimum requirements:

- a) The program has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled.
- 1) The faculty must have demonstrated competence in the area of pharmacological training as evidenced by appropriate degrees from accredited colleges or institutions;
 - 2) The medical component of the course shall be taught by physicians licensed to practice medicine in all of its branches with appropriate specialty credentials. They shall be members of the faculty for the 4 year professional optometry program and have appropriate input into the development, presentation and testing of the course.
- b) The program shall have a curriculum of a minimum of 120 total contact hours. At least 90 hours shall be lecture and at least 30 hours shall be practical laboratory which shall include foreign body removal and clinical patient care. The lecture portion of the course is subject to the following criteria:
- 1) At least 60 hours taught by faculty members (referenced in (a)(2) above) of the college or university sponsoring the course in the following subject areas:
 - A) Anatomy and Physiology Considerations in Ocular Disease - 5 hours minimum
 - B) Pharmacology of Therapeutic Agents - 10 hours minimum
 - C) Specific Ocular Disease Considerations - 15 hours minimum
 - i) Bacterial
 - ii) Viral and Chlamydial
 - iii) Allergic
 - iv) Fungal
 - v) Clinical Diagnosis and Treatment of Anterior Uveitis
 - vi) Clinical Diagnosis and Management of Posterior Uveitis
 - vii) Lacrimal Disorders
 - Other Ocular Diseases/Disorders - 15 hours minimum
 - D)
 - i) Pre-Post Operative Cataract Care
 - ii) Integration of nervous system assessment and neuro-Ophthalmic Disorders
 - iii) Practical Management of Ocular Emergencies
 - iv) Diabetic Complications - Diabetic Retinopathy
 - v) Sudden Vision Loss
- E) Glaucoma Diagnosis, Treatment and Management - 10 hours minimum
- i) Pathophysiology of Glaucoma
 - ii) Open Angle Glaucoma
 - iii) Angle Closure Glaucoma
 - iv) Pharmacology of Glaucoma
- F) Clinical Laboratory Tests and Services - 3 hours minimum

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- 2) At least 30 hours of Clinical Medical Perspectives/Primary Care Medicine for the Ophthalmic Practitioner that shall be taught by medical faculty members (as referenced in subsection (a)(2) above). The 30 hours shall be in the following subject areas:

- A) Cardiovascular Disease
- B) Respiratory Disorders (e.g., pulmonary)
- C) Immunology
- D) Infectious Disease
- E) Dermatology
- F) Cataract Surgery - 2 hours maximum
- G) General Medical Emergency
- H) Endocrinology
- I) Collagen Vascular Disease

- c) The program shall require passage of a comprehensive examination(s) designed to test the student's knowledge, competence and ability to apply the program's subject matter.

- 1) The comprehensive examination(s) shall be administered and proctored by the teaching institution's faculty at the site where the course is given or at the institution.
- 2) Verification of student identification shall be required.
- 3) The comprehensive examination(s) shall not be take home, open book or collaborative examination(s).
- 4) The content of all examinations shall be made available to the Department for review upon request.

- d) The program shall not be provided, sponsored, co-sponsored or in any way be supported or financially underwritten by a sponsor or others who receive patient referrals from those in attendance. Approved colleges or institutions are exempt from this provision.

Program Evaluation

- 1) An applicant from a pharmacological training program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section.

- 2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Committee will evaluate the program based on all documentation received from the program and any additional information the Department has requested.

- f) The Committee may withdraw the approval of any program of pharmacological training for any of the following grounds:

- 1) Fraud or dishonesty in applying for approval;
- 2) Failure to continue to meet the criteria for an approved program as stated in this Section.

- g) A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Committee, and the officials in charge may either submit written comments or request a hearing before the Committee in accordance with 68 Ill. Adm. Code 1010.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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_____)

Section 1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act

- a) The following therapeutic ocular pharmaceutical agents are approved for use by licensed optometrists certified under Section 15.1 of the Act:

- 1) Topical Anti-Infective Agents
- 2) Topical Anti-Allergy Agents
- 3) Topical Anti-Glaucoma Agents
- 4) Topical Anti-Inflammatory Agents
- 5) Topical Anesthetic Agents
- 6) Over the Counter Agents
- 7) Non-Narcotic Oral Analgesic Agents
- 8) Mydriatic Reversing Agents

- b) Licensed optometrists therapeutically certified shall be permitted to use anesthetics, mydriatics, cycloplegics and miotics.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1320.340 Restoration of Therapeutic Certification

- a) A therapeutic certification that has lapsed or been on inactive status for less than 3 years shall be restored upon application to the Department, payment of the required fees specified in Section 1320.400(c)(1) of this Part, a current Illinois optometric license, diagnostic topical ocular pharmaceutical certification and proof of completion of continuing education pursuant to Section 1320.90 of this Part.

- b) A therapeutic certification that has lapsed or been on inactive status for more than 3 years shall be restored upon proof of a current Illinois optometric license, proof of a diagnostic topical ocular pharmaceutical certification and submission of an application to the Department, which shall include the following:

- 1) Sworn evidence of active practice in another jurisdiction that allows the use of equivalent therapeutic ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice and that indicates if any disciplinary action has been taken or is pending; or
- 2) Other evidence that the applicant has maintained competence in the use of therapeutic ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Committee and may include:
 - A) Teaching therapeutic ocular pharmacology in an educational

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program approved in accordance with Section 1320.220 of this Part; or

- B) Research in therapeutic ocular pharmacology; or
- 3) Proof of successful completion within the year preceding application of an approved training program as specified in Section 1320.320 of this Part;
- 4) The required fee set forth in Section 1320.400(c)(1) of this Part.

c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the licensee seeking restoration of the certification will be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview(s) before the Committee to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order to evaluate the individual's current competency to use therapeutic ocular pharmaceutical agents.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1320.350 Endorsement of Therapeutic Certification

a) An applicant who was originally licensed to practice optometry in another jurisdiction after January 1, 1996 shall be required to apply for and maintain therapeutic ocular pharmaceutical certification.

b) An applicant who is licensed or certified under the laws of another jurisdiction to use equivalent therapeutic ocular pharmaceutical agents shall file an application with the Department, on forms provided by the Department, together with:

- 1) An application for licensure as an optometrist and an application for certification of diagnostic topical ocular pharmaceuticals in the State of Illinois;
- 2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:

A) The time during which the applicant was licensed in that state;

B) Whether the records of the licensing entity contain any record of disciplinary actions taken or pending against the applicant;

C) A description of the examination and grade received;

- 3) A certification of education and a transcript of the therapeutic ocular pharmaceutical agent training received and any continuing education completed in therapeutics. The therapeutic training shall be equivalent to the training set forth in Section 1320.320

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and shall have been completed after January 1, 1994;
 4) A copy of the acts and rules in effect at the time of original certification or licensure; and
 5) The required fee set forth in Section 1320.400.

c) The applicant may be required to appear before the Committee:

- 1) To clarify or explain information contained on the submitted documentation; or
- 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 of the Act.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL

Section 1320.400 1320-300 Fees

a) Application fees.

- 1) The fee for application for an original a license as an optometrist is \$500 \$200. This fee includes the optometry license, diagnostic certification and therapeutic certification. Effective-April-17-1994-the-fee-will-be-\$250.
- 2) The fee for currently licensed optometrists applying application for both diagnostic certification and therapeutic certification is \$50. The fee for currently licensed optometrists applying for a diagnostic certification is \$50. The fee for currently licensed optometrists applying for a therapeutic certification is \$50. A certificate-for-use-of-topical-ocular-pharmaceuticals-is \$130.---Effective-April-17-1994-the-fee-will-be-\$150.

3) The fee for application for an ancillary optometric license is \$50 per location \$100. This fee includes any certifications held by the licensed optometrist.

4) The---fee---for---application---for---an---ancillary---topical---ocular---pharmaceutical---license---is---\$50.

4)5) Applicants for any examination shall be required to pay, either to the Department or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.

5)6) The fee for application for licensure of from a person licensed as an optometrist in another jurisdiction is \$500 \$200.

Effective-April-17-1994-the-fee-will-be-\$250.

6)7) The fee for a sponsor of continuing education \$500.

b) Renewal Fees

1) The fee for renewal of an optometrist license is \$200 \$125 per year. The fee includes renewal of the diagnostic and therapeutic certifications.

2) The---fee---for---renewal---of---a---topical---ocular---pharmaceutical

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certificate-is-937-50-per-year:

2) The fee for renewal of an ancillary optometry license is \$50 per year for each location. This fee includes ancillary diagnostic and therapeutic certifications.

4) The fee for renewal of an ancillary optometrist-oculist-pharmaceutical

certificate-is-920-per-year:
3) The fee for renewal as a sponsor of continuing education is \$250 plus \$195 per year.

c) General Fees

1) The fee for restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees. For the purposes of restoring from inactive status, the Department shall consider that no renewal fees have lapsed during the period of inactive status.

2) The fee for issuance of a duplicate license or certificate or for the issuance of a replacement license for a license which has been lost or destroyed is \$50.

3) The fee for the issuance of a license or certificate with a change of name or address other than during the renewal period is \$50. No fee is required for name and address changes on Department records when no duplicate license is replaced.

4) The fee to have the scoring of an examination reviewed and verified by the Department is \$20 plus any fee charged by the applicable testing service to rescore the examination.

4) The fee for the certification of a licensee's record (e.g., license status, examination information) for any purpose is \$50.

5) The fee for a wall certificate showing licensure is the actual cost of producing the license.

6) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

(Source: Section 1320.400 renumbered from Section 1320.300 and amended at 19 Ill. Reg. _____, effective _____)

Section 1320.410 1320-310--Ancillary Licenses

a) Ancillary license, as used in this Part, shall mean an optometry license that which is issued pursuant to Section 7 of the Act to a licensed optometrist who is engaged in the practice of optometry at more than one address. The ancillary license will include diagnostic certification and/or therapeutic certification.

b) Ancillary certificate--as used in this Part--shall mean a topical ocular pharmaceutical agent--(925)--certificate--which--is--issued pursuant to Section 7 of the Act to a licensed optometrist--who--is engaged in the practice of optometry at more than one address.

b) Each ancillary license and certificate shall be displayed in accordance with Section 6 of the Act.

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c) An ancillary license or ancillary certificate shall be issued to a licensed optometrist upon submitting a completed application to the Department, on forms provided by the Department, and the required fee set forth in Section 1320.400(a)(3) 1320-300 of this Part. The application shall include the address of the branch office location for which the license or certificate will be issued.

d) An optometrist shall be required to obtain an separate ancillary license or certificate for each branch additional location and to display the appropriate ancillary licenses at each location. Licensees may examine one new patient at facilities licensed by the Illinois Department of Public Health or their residence per address per month without an ancillary license.

(Source: Section 1320.410 renumbered from Section 1320.310 and amended at 19 Ill. Reg. _____, effective _____)

Section 1320.420 1320-55 Renewals

a) Every license issued under the Act shall expire on March 31 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee and completion of continuing education requirements set forth in Section 1320.80.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.

c) Practicing after a license has expired shall be considered the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

(Source: Section 1320.420 renumbered from Section 1320.55 at 19 Ill. Reg. _____, effective _____)

Section 1320.430 1320-120 Granting Variances

a) The Director may grant variances from this Part in individual cases where he/she finds that:

1) The provision from which the variance is granted is not statutorily mandated;
2) No party will be injured by the granting of the variance; and
3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Optometry Examining and Disciplinary Committee of the granting of such variance, and the reasons therefor, at the next meeting of the Committee.

(Source: Section 1320.430 renumbered from Section 1320.120 and amended at

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19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.303

Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. A. 89-289.

5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-289, the Department is initiating a Demonstration Project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices Statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly, rather than a monthly, basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year, thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these proposed amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report

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form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month. If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined.

Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

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Companion amendments are being proposed to 89 Ill. Adm. Code 117 and 170.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.8	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.65	New Section	September 15, 1995 (19 Ill. Reg. 12927)
112.71	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.73	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.251	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.300	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.306	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.308	Amendment	July 14, 1995 (19 Ill. Reg. 9376)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-3215.

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

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112.5	Incorporation by Reference

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112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent
112.67	Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section	
112.70	Participation Requirements for JOBS
112.71	Individuals Exempt from JOBS
112.72	JOBS Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	JOBS Initial Assessment Process/Development of an Employability Plan
112.76	JOBS Orientation
112.77	Conciliation and Fair Hearings
112.78	JOBS Components
112.79	JOBS Sanctions
112.80	Good Cause for Failure to Comply with JOBS Participation Requirements
112.81	Responsible Relative Eligibility For JOBS
112.82	JOBS Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project

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112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

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 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group
 Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group
 Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.93 Individuals Exempt From Project Advance
 112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
 112.98

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
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112.141 Earned Income Exemption
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 112.143 Recognized Employment Expenses
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SUBPART H: PAYMENT AMOUNTS

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 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
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 112.304 Budgeting Schedule
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 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
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 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

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SUBPART J: CHILD CARE

Section	
112.350	Child Care
112.352	Child Care Eligibility
112.354	Qualified Provider
112.356	Notification of Available Services
112.358	Participant Rights and Responsibilities
112.362	Additional Service to Secure or Maintain Child Care Arrangements
112.364	Rates of Payment for Child Care
112.366	Method of Providing Child Care
112.370	Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
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112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; 150 days; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8,

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1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill.

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effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART I: OTHER PROVISIONS

Section 112.303 Retrospective Budgeting

a) All AFDC recipients shall have income and attendant circumstances budgeted on a retrospective basis, whether or not they must report

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Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 5, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567,

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monthly, except those participating in the Income Budgeting Project and the Quarterly Reporting - Failure to Report Employment Demonstration Project. (see 89 Ill. Adm. Code See-Section 170.50 and 170.380).

b) Eligibility for AFDC is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the unit is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. For participants in the Income Budget Project, earnings shall be budgeted prospectively for the first two months and retrospectively thereafter. At intake, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month. For participants in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting shall be done prospectively.

c) The budget month is the fiscal month from which the Department uses income and attendant circumstances to determine the amount of assistance the unit is entitled to receive. The payment month is the fiscal month which the assistance grant covers. The payment month is the second fiscal month following the budget month.

d) ~~The Department may supplement a recipient's assistance grant due to a loss of income in the payment month (see Section 112.130). When a recipient whose assistance is discontinued reapplies for the same fiscal month assistance is discontinued, the recipient's income is budgeted retrospectively as if no interruption in assistance occurred. This does not apply to participants in the Income Budgeting Project whose cases are cancelled in the first two payment months of initial employment. This also does not apply to clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code 170.380).~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Assistance Standards
- 2) Code Citation: 89 Ill. Adm. Code 111
- 3) Section Number: Proposed Action:
111.101 Amendment
- 4) Statutory Authority: Sections 12-4.11 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.11 and 12-13].
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking increases the Department's Assistance Standards in accordance with the methodology established in Section 111.20. The Public Aid Code requires that the Assistance Standards be updated every January based on the increase in the Consumer Price Index (CPI) for the previous fiscal year. The CPI increase for the period June 1994 through June 1995 was 2.9%. The amount of the increase to be effective January 1, 1996, based on this methodology, is 2.9%.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS

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100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: September 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 111
ASSISTANCE STANDARDS

Section

- 111.1 Incorporation By Reference
- 111.10 Establishment of Assistance Standards
- 111.20 Computation of the Assistance Standards
- 111.30 Amount of Assistance Standards (Family of 1)
- 111.40 Amount of Assistance Standards (Family of 2)
- 111.50 Amount of Assistance Standards (Family of 3)
- 111.60 Amount of Assistance Standards (Family of 4)
- 111.70 Amount of Assistance Standards (Family of 5)
- 111.80 Amount of Assistance Standards (Family of 6)
- 111.90 Amount of Assistance Standards (Family of 7 thru 18)
- 111.100 Amount of Assistance Standards (Child-Only Cases) (Repealed)
- 111.101 Current Assistance Standards
- 111.110 Adjustments Following Court Orders

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-4.11 and 12-13].

SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991; amended at 16 Ill. Reg. 11577, effective July 15, 1992; amended at 17 Ill. Reg. 3213, effective March 1, 1993; amended at 18 Ill. Reg. 2029, effective January 21, 1994; amended at 18 Ill. Reg. 7009, effective April 27, 1994; amended at 19 Ill. Reg. 2886, effective February 24, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 111.101 Current Assistance Standards

Adults and Children

Family Size	Group I	Group II	Group III
1(AFDC and Refugee/Repatriate Assistance)	\$ 526 541	\$ 506 521	\$ 439 442

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1 (All Other Programs)	409 421	397 409	391 393
2	699 710	667 687	637 656
3	936 963	906 932	867 892
4	1020 1058	1000 1029	966 994
5	1205 1240	1170 1204	1125 1158
6	1353 1392	1314 1352	1260 1305
7	1424 1465	1393 1423	1337 1376
8	1500 1544	1461 1503	1406 1447
9	1577 1623	1530 1583	1484 1527
10	1662 1710	1616 1663	1561 1606
11	1751 1802	1701 1750	1645 1693
12	1842 1895	1793 1845	1729 1779
13	1940 1996	1897 1942	1821 1874
14	2042 2101	1986 2044	1915 1971
15	2151 2213	2091 2152	2010 2077
16	2265 2331	2203 2267	2125 2187
17	2384 2453	2320 2387	2237 2302
18	2510 2583	2442 2513	2357 2425

Child-Only

1	252 261	240 248	233 240
2	490 513	481 495	466 480
3	610 636	601 618	588 605
4	732 815	722 794	750 772
5	941 968	916 943	891 917
6	1010 1039	986 1015	960 988
7	1087 1119	1060 1091	1020 1058
8	1165 1199	1139 1172	1105 1137
9	1250 1286	1219 1254	1184 1218
10	1337 1376	1303 1341	1266 1303
11	1430 1471	1394 1434	1352 1392
12	1526 1570	1480 1531	1443 1485

For family sizes greater than 18 or 12, the amount of the Assistance Standard will be determined by adding \$103 or \$80 respectively for each person above 18 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: Proposed Action:
160.70 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-6.
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement provisions of Public Act 89-6 regarding the collection of past-due child support. The Department will refer to the Department of Revenue those cases in which a delinquency is owed and income withholding and normal child support enforcement efforts have not yielded settlement. The Department will provide the Department of Revenue with the name, social security number, IV-D identification number and past-due support amount for the responsible relative. The Department of Revenue will then use its collection system and any manner authorized for the collection of a delinquent personal income tax liability to collect the past-due child support. The Department of Revenue will notify the Department when the delinquency or any portion of the delinquency has been collected. Any child support delinquency collected by the Department of Revenue, including those amounts that result in overpayment of a child support delinquency, will be deposited in or transferred to the Child Support Enforcement Trust Fund.

As a result of this rulemaking, the Department may submit past-due support amounts to the Illinois Department of Revenue when the following conditions exist:

1. past-due support is owed for a child or for a child and the parent with whom the child is living;
2. the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice;
3. as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
4. the responsible relative is not deceased.

The Department will provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue. The advance notice will inform the responsible relative of the following:

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1. the IV-D case name and identification number;
2. the past-due support amount which will be submitted for collection;
3. the right to contest the determination that past-due support is owed or the amount of past-due support by making a request for a redetermination by the Department; and
4. that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

These proposed amendments also establish factors included in a satisfactory repayment plan as follows:

1. the amount of past-due support owed;
2. the amount to be paid toward the past-due amount;
3. the amount of current child support obligations; and
4. the individual's ability to pay.

A written request for redetermination made within 15 days from the date of mailing the advance notice will stay the Department from certifying the balance to the Illinois Department of Revenue. No later than 120 days after the date the redetermination was requested, the Department will provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days from the date of mailing of the notice. A written request for hearing made within 30 days from the date of mailing the notice of results of redetermination will stay the Department from certifying the balance to the Illinois Department of Revenue, if certifying the balance had been stayed.

The Department will notify the Clerk of the Court of the county in which the child support order was entered of any amount collected by the Department of Revenue for posting to the court payment record. If an overpayment is collected, the Department will apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: September 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section

160.1 Incorporation By Reference
160.5 Definitions
160.10 General Provisions
160.12 Administrative Accountability Process
160.15 Application Processing Fee for IV-D Non-AFDC Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

160.30 Cooperation With Support Enforcement Program
160.35 Good Cause For Failure to Cooperate With Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

160.60 Establishment of Support Obligations
160.65 Modification of Support Obligations
SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS
Section
160.70 Enforcement of Support Orders
160.75 Withholding of Income to Secure Payment of Support
160.77 Past Due Support Information to State Licensing Agencies
160.80 Amnesty - 20% Charge
160.85 Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

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Section

160.100 Distribution of Child Support For AFDC Recipients
160.110 Distribution of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
160.120 Distribution of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 12-4.3, and 12-13, and Art. X of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298,

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effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Definitions

The definitions contained in Section 160.60(a) are incorporated herein by reference.

b) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

c) Federal and State Income Tax Refunds and Other State Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a]) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:

- i) in IV-D AFDC and IV-E foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
- ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.

B) the Comptroller to intercept State income tax refunds and other State payments as follows:

- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
- ii) in inactive IV-D AFDC and IV-E foster care cases, past due support owed in any amount; and
- iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall,

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upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for intercept;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and
- D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
- B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.

6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

8) The Department shall notify:

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- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

9) The Department shall:

- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:
 - A) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and
 - B) State income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.

- 11) The Department shall inform individuals who receive IV-D Non-AFDC support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection will be applied in accordance with Section 160.130;
- B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax

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- . return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
 - 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent (50%) of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
 - 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) below.
 - 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:

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- i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) secure other enforcement relief; and
 - H) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code (305 ILCS 5/9-6).
- f) Liens Against Real Estate and Personal Property
- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure (735 ILCS 5/Art. XII).
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

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- A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.
- g) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (g)(2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code (305 ILCS 5/10-17.4).
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- h) Past-Due Support Information to Consumer Reporting Agencies
- 1) The Department shall, upon request of consumer reporting agencies, provide the following information concerning the payment records of responsible relatives in IV-D cases to such agencies when the amount of past-due support exceeds \$1,000:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a

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notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be reported;
- C) the date past-due support will be reported; and
- D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

- A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

1) Past-Due Support Certified to the Illinois Department of Revenue

1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]).

2) The Department may submit past-due support amounts to the Illinois Department of Revenue when the following conditions exist:

- A) past-due support is owed for a child or for a child and the parent with whom the child is living;
- B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (i)(3) of this Section;
- C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and

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D) the responsible relative is not deceased.

3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be submitted for collection;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
- D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

4) Factors for a satisfactory repayment plan will include, but are not limited to:

- A) the amount of past-due support owed;
- B) the amount to be paid toward the past-due amount;
- C) the amount of current child support obligations; and
- D) the individual's ability to pay.

5) The Department shall provide the Illinois Department of Revenue the following descriptive information on the responsible relative:

- A) name;
- B) social security number;
- C) IV-D identification number; and
- D) the past-due support amount.

6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue.

7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, if certifying the balance had been stayed pursuant to subsection (i)(6) of this Section.

9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

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11) The Department shall:

- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

11)†† Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Demonstration Programs

Code Citation: 89 Ill. Adm. Code 170

Section Number: Proposed Action:

170.380 New Section

Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-289.

5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-289, the Department is initiating a Demonstration Project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly, rather than a monthly, basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year, thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these proposed amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report

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form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month. If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined.

Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

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Companion amendments are being proposed to 89 Ill. Adm. Code 112 and 117.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
170.300	Amendment	July 7, 1995 (19 Ill. Reg. 8933)
170.350	New Section	July 21, 1995 (19 Ill. Reg. 10381)
170.360	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.370	New Section	August 4, 1995 (19 Ill. Reg. 11316)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

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- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170

DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START WELFARE REFORM DEMONSTRATION PROGRAM

Section
170.10 Youth Employment and Training Initiative
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project
170.50 Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section
170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section
170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Section
170.250 Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

Section
170.300 Truancy Prevention Project

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section
170.380 Quarterly Reporting - Failure to Report Employment Demonstration Project

AUTHORITY: Implementing and authorized by Sections 4-8, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-8, 11-20, 12-13 and

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12-4-28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.380 Quarterly Reporting - Failure to Report Employment Demonstration Project

a) This Section applies to AFDC applicants and recipients in the following local offices:

- 1) Auburn Park. For Auburn Park, all cases will be randomly assigned to an experimental or control group. Those assigned to the experimental group are subject to the rules in this Section.
- 2) Englewood, South Suburban and Uptown (all cases);
- 3) DuPage (all cases);
- 4) Kankakee (all cases);
- 5) McLean (all cases); and
- 6) Peoria (all cases).

b) Clients in this demonstration project who fail to report their earnings and their earnings are discovered via crossmatch with the Illinois Department of Employment Security (IDES) will be centrally cancelled and an overpayment referred for all assistance received from the first month of the IDES quarter identified to the present. The client will be given timely notification of the action taken.

c) Each assistance unit in the Quarterly Reporting - Failure to Report Demonstration Project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

d) The assistance units which must report are units which contain a member who is employed or who has lost employment within the last three months.

e) All AFDC units which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.

f) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for

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a three-month period.

- g) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Only if the request is made in writing and the actual amount of gross income received from all sources for any payment month is less than the payment level for an assistance unit of comparable size is the family eligible for a supplemental payment. The supplemental payment is equal to the payment level minus the gross amount of income actually received by the client in the payment month. Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.
- h) At intake, actual amount of income received in the Initial prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.
- i) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.
- j) If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.
- k) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period. If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period shall not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

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m) All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Proposed Action:

120.30 Amendment

120.345 Amendment

120.390 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

5) Complete Description of the Subjects and Issues Involved: The Health Care Financing Administration (HCFA) has been attempting, since the 1980's, to establish MANG household composition policy. Their most recent regulations were withdrawn last year and states were allowed to establish their own policy within the parameters of existing laws.

These proposed amendments are necessary to establish consistent guidelines recognizing the various family structures and conforming with federal law and regulations. The intent of this rulemaking is to:

1. apply the income and assets of responsible relatives against the needs of the persons living in the home for whom they are responsible;
2. not apply the income and assets of non-responsible relatives against the needs of persons for whom they are not responsible under Medicaid regulations, such as siblings; and
3. insure that the income and assets of a non-responsible relative do not create a spend-down for a client.

Currently, the Department allows these cases to use a standard larger than the number of persons actually included in the case. For example, responsible relatives are placed in a case by themselves, but a MANG standard of two is used to calculate whether or not the case should be placed in spend-down status. The same conditions hold true when a non-relative case is established. The proposed rule would eliminate this procedure.

As a result of this rulemaking, the non-responsible relative will be removed from the case if his or her income and assets cause the case to be placed in spend-down status. These persons, along with their income and assets, will be placed in a separate case. A prorated share of the responsible relative's income and assets will be added to the non-responsible relative's case. In addition, the MANG standard used in the medical determination will equal the number of persons actually

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included in the case.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.11	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.64	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.80	Amendment	June 30, 1995 (19 Ill. Reg. 8512)
120.310	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.379	Amendment	May 19, 1995 (19 Ill. Reg. 6770)
120.386	Amendment	May 19, 1995 (19 Ill. Reg. 6770)
120.387	Amendment	May 19, 1995 (19 Ill. Reg. 6770)
120.390	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.391	Amendment	August 25, 1995 (19 Ill. Reg. 12192)
120.392	Amendment	August 25, 1995 (19 Ill. Reg. 12192)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
Phone: (217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit

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corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Low-Income Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination of Aid to the Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.270 Recognized Employment Expenses (Repealed)
120.271 Income From Work/Study/Training Program (Repealed)
120.272 Earned Income From Self-Employment (Repealed)

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120.273 Earned Income From Roomer and Boarder (Repealed)
120.275 Earned Income In-Kind (Repealed)
120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
120.280 Assets (Repealed)
120.281 Exempt Assets (Repealed)
120.282 Asset Disregards (Repealed)
120.283 Deferral of Consideration of Assets (Repealed)
120.284 Spend-down of Assets (AMI) (Repealed)
120.285 Property Transfers (Repealed)
120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Health Insurance Premium Payment (HIPP) Program
120.325 Health Insurance Premium Payment (HIPP) Pilot Program
120.326 Foster Care Program
120.327 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-Parent
120.345 Earmarked Income
120.346 Medicaid Qualifying Trusts

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120.347 Treatment of Trusts
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Assessment of Assets
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg.

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16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive

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change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective July 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendments at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2,

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1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 120.30 MANG(C) Income Standard

Number	Monthly
In	Net
Family	Income
1	283
2	375
3	508
4	558
5	650
6	733
7	767
8	808
9	850
10	900
11	942
12	992
13	1042
14	1100
15	1158

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- 16 1217
- 17 1283
- 18 1350

- a) If the number in the household unit exceeds the number provided above, add \$67.00 for each additional person.
- b) MANG(C) is available for a pregnant woman, of any age, who would be eligible for AFDC or MANG(C) if the child had already been born. If the woman is married and her spouse lives with her, her pregnancy does not make her spouse eligible for MANG(C). The pregnant woman and her spouse's income are combined and compared to the MANG standard for three persons even though only the pregnant woman is eligible to receive MANG(C) before the child's birth.
- c) If the case includes adults only, the MANG standard for one adult is \$283.00. The standard for two adults is \$375.00. An unborn child is not counted as a family member.
- d) When a child has ~~earned income, other than State-Supplemental Income (SSI), and the parent does not want this income applied to total family needs, the child is not to be included in the assistance unit--the family size used in the application of the MANG(C) income standard shall be reduced by one for each such child--determined ineligibility on this basis.~~
- e) When financial eligibility for MANG(C) is being determined for one child only, the income of the child in excess of \$283.00 a month is considered available to pay toward the child's medical expenses. The child shall be allowed an asset disregard in the amount for one client as stated in Section 120.382.
- f) If eligibility is being determined for more than one child, the MANG(C) Standard for number of people shall be used. Two children shall be allowed an asset disregard in the amount for a client and one dependent as stated in Section 120.382. Add \$50 for each additional child residing in the same household.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.345 Earmarked Income

- a) Earmarked income is income restricted for the use of a specified individual by court order, or by legal stipulation of a contributor.
- b) MANG(AABD) Earmarked income shall be budgeted against the needs of the specified individual only.
- c) MANG(C) Earmarked income shall be considered available to meet the family's needs--the caretaker relative may request that any individual receiving earmarked income sufficient to meet that individual's need

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~~to-be-deleted-from-the-assistance-unit---in-that-instance-the~~
~~earmarked-income-shall-be-considered-available-to-meet-the-needs-of~~
~~the-deleted-individual-and-the-needs-of-person(s)-for-whom-the~~
~~individual-is-legally-responsible~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 120.390 Persons Who May Be Included In the Assistance Unit

a) The intent of this Section is to:

- 1) Apply the income and assets of responsible relatives against the needs of the persons living in the home for whom they are responsible;
- 2) Not apply the income and assets of non-responsible relatives against the needs of persons for whom they are not responsible under Medicaid regulations, such as siblings; and
- 3) Insure the income and assets of a non-responsible relative do not create a spend-down for a client.

b) MANG(C)

1) The following persons are potentially eligible for MANG(C):

- A) Children under the age of 18, or age 18 and:
 - i) Residing with a specified relative;
 - ii) In full-time high school or equivalent vocational training; and
 - iii) Expected to graduate before age 19.
- B) No more than two of the following adults:
 - i) The caretaker relative;
 - ii) The parent of an eligible child;
 - iii) The spouse of the caretaker relative if the caretaker relative is a parent of one of the children and the spouse lives in the home; or
 - iv) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children.

2) The following applies to situations in which the only eligible adults who are requesting assistance are the parents of the children.

A) If none of the children have income or assets that result in a spend-down, all persons requesting assistance are included in the same case.

- i) The standard used includes the parents as well as the children for whom assistance is being requested. Children age 18-21 who live in the home who do not meet the definition of an eligible child are included in the standard at the parent's choice if the countable income of each is below the MANG standard for one person and the countable assets are below the

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MANG asset disregard for one person.

- ii) The income and assets considered are those of all persons for whom assistance is requested.
 - iii) A parent receiving AABD MANG is included in the standard and the income and assets are considered.
 - iv) A parent or other person receiving AFDC/AABD MAG from the Department is not included in the standard. His or her income and assets are also not considered.
 - v) The medical expenses of everyone included in the standard are used in the spend-down determination.
- B) If at least one of the children has income and/or assets which result in spend-down status for the case, a case is set up for the parent or parents including the children who have no income and no assets, and a separate case for each child who has income and/or assets.
- C) The following applies to the case which contains the parents:
- i) The standard used is for the number or persons receiving assistance in the case. A parent receiving AABD MANG is also included in the standard.
 - ii) Children age 18-21 who live in the home who do not meet the definition of an eligible child are included in the standard at the parent's choice if the countable income of each is below the MANG standard for one person and the countable assets are below the MANG asset disregard for one person.
 - iii) The income and assets considered are a pro-rated share of the parent's or parents' income and assets.
 - iv) The pro-rated share is calculated by dividing the parent's countable income and assets by the number of persons residing in the home for whom the parent is responsible, including the parent and the parent's spouse. This may be more than the number of persons in the parent's case.
 - v) If a person is receiving AFDC/AABD MAG, they are not included in the number of persons residing in the home for whom the parent is responsible when the pro-rata share of the parent's income and assets is determined. If a child age 18-21 is included in the standard, the child is considered in determining the pro-rated share to be applied to the remainder of the family.
 - vi) If the parent is receiving AABD MANG, he or she is included in the standard and his or her income and assets are considered. If the parent is receiving AABD/AFDC MAG from the Department, he or she is not included in the standard nor are his or her income and assets considered.
 - viii) Only medical expenses incurred by persons included in

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- the standard can be used to meet spend-down.
- D) The following applies to each case of the children:
- i) The standard used for each case is one.
 - ii) The income and assets considered are the pro-rated share of the parent or parents income and assets as well as the child's own income and assets.
 - iii) If a parent is receiving AABD MANG, his or her income and assets are pro-rated and considered in determining the child's eligibility. If a parent is receiving AABD/AFDC MAG from the Department, his or her income and assets are not considered in determining the child's eligibility for medical assistance.
 - iv) Only medical expenses incurred by the person included in the standard can be used to meet spend-down.
- 3) The following applies to situations in which a parent and step-parent live in the home. If the parent and step-parent have children in common, the rules regarding situations in which both parents reside in the home apply to the children in common.
- A) If the family, including the step-parent, is eligible for MANG considering all income and assets of the family, one case is set up for the family. Persons receiving AFDC/AABD MAG are not included in the standard nor is their income or assets considered.
- B) If the family is only eligible for MANG with a spend-down, the parent receives assistance in a case separate from the children who have a step-parent living in the home, even if the step-parent is not requesting assistance. If the step-parent is requesting assistance, he or she is included in the case with the parent or spouse.
- i) For the case including the adults, the standard used is the number of adults included in the case. A parent receiving AABD MANG is also included in the standard.
 - ii) Children age 18-21 who live in the home who do not meet the definition of an eligible child are included in the standard at the parent's choice if the countable income of each is below the MANG standard for one person and the countable assets are below the MANG asset disregard for one person.
 - iii) For the case including the adults, the income and assets used are a pro-rated share of the parent and step-parent's income and assets.
 - iv) The pro-rated share of the parent and step-parent's income and assets is calculated by dividing the parent's and step-parent's countable income and assets by the number of persons residing in the home for whom the parent and step-parent are responsible, including the parent and step-parent.

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- v) If a person is receiving AFDC/AABD MAG, they are not included in the number of persons residing in the home for whom the parent is responsible when the pro-rata share of the parent's income and assets is determined.
- vi) If a child age 18-21 is included in the standard, the child is considered in determining the pro-rated share to be applied to the remainder of the family.
- vii) If a parent is receiving AABD MANG, he or she is included in the standard and his or her income and assets are considered. If a parent is receiving AFDC/AABD MAG from the Department, he or she is not included in the standard nor are his or her income and assets considered.
- viii) Only medical expenses incurred by persons included in the standard can be used to meet spend-down.
- C) If the children have no income or assets or a spend-down does not result after considering the children's income and assets plus a pro-rated share of their parent's income and assets, one case is set up for the children.
- i) The standard used is the number of children receiving assistance in the case.
 - ii) The income and assets considered in the children's case are a pro-rated share of their parent's income and assets as well as the children's own income and assets.
 - iii) If the parent is receiving AABD MANG, their income and assets are pro-rated in determining their child's eligibility. If the parent is receiving AFDC/AABD MAG from the Department, his or her income and assets are not considered in determining the child's eligibility. Only medical expenses incurred by persons included in the standard can be used to meet spend-down.
 - iv) If the children have income or assets which result in a spend-down, a separate case is set up for each child.
 - i) The standard used for each child's case is one.
 - ii) The income and assets considered in the child's case are the child's pro-rated share of the parent's income and assets as well as the child's own income and assets.
 - iii) If the parent is receiving AABD MANG, his or her income and assets are pro-rated in determining the child's eligibility. If the parent is receiving cash assistance from the Department, his or her income and assets are not considered in determining the child's eligibility.
 - iv) Only medical expenses incurred by persons included in the standard can be used to meet spend-down.
- 4) The following applies to situations in which neither parent lives

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in the home:

- A) If the children and specified relatives requesting assistance are eligible without spend-down when the income and assets of everyone who is included in the case are considered, one case is set up.
- B) If children only are requesting assistance and they are only eligible with a spend-down when considered as one case, a separate case for each child is set up.
 - i) The standard used for the case is one.
 - ii) The income and assets considered are those of the child only.
 - iii) Only medical expenses incurred by the person included in the standard can be used to meet spend-down.
- C) If the specified relative who is not a parent is also requesting assistance and the family is not eligible without a spend-down, a case for the specified relative and a separate case for each child is set up. If the specified relative's spouse is also applying as the second adult, the two adults are included in a case together. If a specified relative is applying as a second adult who is not the relative's spouse, the second adult is set up in a separate case.
 - i) The standard used for each case is one except for situations where the two specified relatives are married. In this situation the standard is two.
 - ii) The income and assets considered in the adult's case are that of the adult and spouse, whether or not the spouse is applying.
 - iii) The income and assets considered in the child's case are that of the child.
 - iv) Only medical expenses incurred by persons included in the standard can be used to meet spend-down.
- 5) The following applies to situations in which a parent is requesting assistance for a non-parent (other than the parent's spouse) as a specified relative:
 - A) If the family, including the non-parent, is eligible for MAG considering all income and assets of the family, one case is set up for the family.
 - B) If the family is only eligible for MAG with a spend-down, a separate case is set up for the non-parent.
 - i) The standard used in the non-parent's case is one except for situations where the non-parent's spouse resides in the home. In this situation, the standard is two.
 - ii) The income and assets used are those of the non-parent and spouse, if residing in the home.
 - iii) Only medical expenses incurred by the persons included in the standard can be used to meet spend-down.

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C) AABD MANG

- The assistance unit is always one. A dependent child for these purposes is an adoptive or natural child of the client or his or her spouse who resides in the home and is either:
- 1) Under the age of 18;
 - 2) Age 18, in full-time high school or equivalent vocational training, and expected to graduate before age 19; or
 - 3) Age 19-21 and has countable income less than the MANG standard for one and countable assets less than the MANG asset disregard for one.
- d) When the assistance unit contains an adult:
- 1) If the client and his or her spouse have no dependent children, the standard is one if the client lives alone and two if the client lives with the spouse. The income and assets considered are those of the client and spouse, if residing in the home.
 - 2) If the client and/or spouse have dependent children, and the client is eligible without a spend-down considering the income and assets of all persons in the family (the client, spouse, and all dependent children), the standard for the total number of persons in the family is used and all income and assets are considered. If the spouse is receiving AFDC MAG from the Department, he or she is not included in the standard and his or her income and assets are not considered.
 - 3) If the client and/or spouse have dependent children, and the client is only eligible for MANG with a spend-down considering the income and assets of all persons in the family:
 - A) The standard of one is used unless the client's spouse lives in the home and then the standard is two.
 - B) The income and assets considered are that of the client and spouse.
 - C) The income and assets considered are a pro-rated share of the parent's income and assets.
 - D) The pro-rated share is calculated by dividing the parent's countable income and assets by the number of persons residing in the home for whom the parent is responsible, including the parent and the parent's spouse.
 - E) If a person is receiving AFDC MAG, he or she is not included in the number of persons residing in the home for whom the parent is responsible when determining pro-rata share of the parent/spouse's income.
 - F) If the spouse receives AFDC MANG, he or she is included in the standard and his or her income and assets are considered.
 - G) If the spouse and/or children receive AABD/AFDC MAG from the Department, they are not included in the standard nor are their income and assets considered.
 - H) Only medical expenses incurred by persons included in the standard can be used to meet spend-down.

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e) When the assistance unit contains a child:

- 1) If a client does not live with either parent, the standard of one is used and the income and assets of the client are considered.
- 2) If the client lives with a parent, if the child is eligible without a spend-down considering the income and assets of the family (parents, client, and other dependent children of the parents), the standard for the total number of persons in the family is used. The total income and assets of the family are considered.
- 3) Persons receiving AABD/AFDC MAG from the Department are not included in the standard and their income and assets are not considered.
- 4) If the client lives with a parent, if the child is only eligible with a spend-down, a standard of one is used. The income and assets of the child are considered plus a pro-rated share of the parent's income and assets.
- 5) The pro-rated share is calculated by dividing the parent's countable income and assets by the number of persons residing in the home for whom the parent is responsible, including the parent and the parent's spouse.
- 6) Only medical expenses incurred by the child are used to meet spend-down.

e) MANG(r)

- 1) The assistance unit must include at least one eligible child or only an adult(s) caretaker relative whose eligibility is based on a child who is otherwise eligible except the child receives SSI. No more than two of the following individuals may be included as adults:
 - A) The caretaker relative?
 - B) The parent of an eligible child?
 - C) The needy relative other than the caretaker relative who provides at least one of the following services:
 - i) child care which enables the caretaker relative to work on a full-time (at least 100 hours per month) paid basis outside the home?
 - ii) care for an incapacitated family member in the home?
 - iii) child care that enables a caretaker relative to receive training full-time?
 - iv) child care that enables a caretaker relative to attend high school or General Educational Development (GED) classes full-time?
 - v) child care for a period not to exceed two months that enables the caretaker relative to participate in a Project Chance (APBC) work program such as Job Search.
- 2) The eligibility of a child in an Assistance Unit depends on that child's lack of parental support or care. An eligible dependent child and stepchild in a family unit shall be included in a single case except in two parent households where there are

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children of differing parentage, some of whom lack parental support or care because of the unemployment of a parent in such a circumstance two separate assistance cases shall be established one for both adults and children whose eligibility derives from their parent's unemployment and one for the remaining children. The provisions of this section shall not affect the right of a child who is a parent to receive assistance in a separate case as a caretaker relative for his/her dependent child.

b) MANG(r) b) The eligible person only shall be included in the assistance unit.

c) MANG(r) c) The assistance unit shall only include pregnant women and children born October 1, 1993 or later who meet the eligibility requirements of Section 120.11.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Related Program Provisions

2) Code Citation: 89 Ill. Adm. Code 117

3) Section Number: Proposed Action:

117.15 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-289.

5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-289, the Department is initiating a Demonstration Project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly, rather than a monthly, basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year, thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these proposed amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report

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form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month. If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

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Companion amendments are being proposed to 89 Ill. Adm. Code 112 and 170.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
117.10	Amendment	July 7, 1995 (19 Ill. Reg. 8942)
10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.		
11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:		
Judy Umunna Bureau of Rules and Regulations Illinois Department of Public Aid 100 South Grand Ave. E., 3rd Floor Springfield, Illinois 62762 (Phone: (217) 524-3215).		
The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].		
12) <u>Initial Regulatory Flexibility Analysis:</u>		
A) <u>Types of small businesses, small municipalities and not for profit corporations affected:</u> None		
B) <u>Reporting, bookkeeping or other procedures required for compliance:</u> None		
C) <u>Types of professional skills necessary for compliance:</u> None		
13) <u>Regulatory Agenda on which this rulemaking was summerized:</u> This rulemaking was not included on either of the two most recent regulatory agendas		

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because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

- Section
117.1 Incorporation By Reference
117.10 Payee For Financial Assistance
117.15 Reinstatement Upon Agreement to Cooperate
117.20 Replacement of Missing Warrants
117.30 Withholding of Rent (Repealed)
117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50 Funerals and Burials
117.51 Funeral Home Services
117.52 Burial Expenses
117.53 Payment to Vendor(s)
117.54 Claims for Reimbursement
117.55 Submittal of Claims
117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
117.70 Charge for Replacement of Photo ID Cards (Repealed)
117.80 Direct Deposit of Recipients' Warrants
117.90 State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective

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February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

Section 117.15 Reinstatement Upon Agreement to Cooperate

- a) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
- b) Failure to cooperate includes but is not limited to:
- 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten working days after the first day the financial aid would have been available, the Department shall inform the client that his or her financial assistance will be reinstated if he or she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he or she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
- d) The client's willingness to cooperate shall be demonstrated by his or her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.
- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) of this Section.
- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.

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- g) The policy in this Section also does not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process.
- h) The policy in this Section does not apply to cancellations of clients who fail to report their earned income through the Quarterly Reporting - Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code 170.380).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3) Section Numbers: Proposed Action:
515.200 New Section
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50] (see Public Act 89-177, effective July 19, 1995).
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 89-177 (Senate Bill 618), effective July 19, 1995, substantially revised the Emergency Medical Services (EMS) Systems Act. Section 3.15 of the revised Act requires the Department, beginning September 1, 1995, to designate EMS Regions within the State, consisting of specific geographic areas encompassing EMS Systems and trauma centers, in which emergency medical services, trauma services, and nonemergency medical services are coordinated under an EMS Region Plan.

The economic effect of this rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:

Ms. Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor

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Springfield, IL 62761
(217)782-6187

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: These rules will affect hospitals.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: None

13) This rulemaking was not included on either of the 2 most recent regulatory agendas because: Section 515.200 was separated from the remainder of Part 515, which was included in the July 28, 1995, Regulatory Agenda, because P.A. 89-177 requires the Department to designate EMS Regions by September 1, 1995.

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

Section

515.200 Emergency Medical Services Regions

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] (see Public Act 89-177, effective July 19, 1995).

SOURCE: Emergency rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995, for a maximum of 150 days; adopted at 19 Ill. Reg. _____, effective _____.

Section 515.200 Emergency Medical Services Regions

Effective September 1, 1995, Emergency Medical Services Regions are designated as follows:

- a) Region 1 is the following counties:
Jo Daviess, Stephenson, Winnebago, Boone, Ogle, Lee, Carroll, Whiteside.
- b) Region 2 is the following counties:
Rock Island, Warren, Bureau, Putnam, LaSalle, Mercer, Henry, Stark, Marshall, Livingston, Henderson, Knox, Peoria, Woodford, McDonough, Fulton, Tazewell, McLean.
- c) Region 3 is the following counties:
Hancock, Adams, Pike, Calhoun, Schuyler, Brown, Cass, Morgan, Scott, Greene, Jersey, Mason, Menard, Sangamon, Macoupin, Logan, Christian, Montgomery.
- d) Region 4 is the following counties:
Madison, St. Clair, Monroe, Randolph, Bond, Clinton, Washington.
- e) Region 5 is the following counties:
Perry, Jackson, Union, Alexander, Marion, Jefferson, Franklin, Williamson, Johnson, Pulaski, Wayne, Hamilton, Saline, Pope, Massac, Edwards, White, Gallatin, Hardin, Wabash.
- f) Region 6 is the following counties:
Ford, Iroquois, DeWitt, Piatt, Champaign, Vermillion, Macon, Moultrie, Douglas, Edgar, Shelby, Coles, Cumberland, Clark, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence.
- g) Region 7 boundary lines:
 - 1) North - Illinois Route 71 east from the Kendall/LaSalle county line to Illinois Route 126; east on Illinois Route 126 to the Kendall/Will county line; north on the Kendall/Will county line to the Will/DuPage county line; the Will/DuPage county line east and then south to Lemont-Joliet Road (Lemont-Joliet Road is in

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Region 7); Lemont-Joliet Road east from Will/Cook county line to Illinois Route 83 (Illinois Route 83 is in Region 8); Illinois Route 83 south from Lemont-Joliet Road to junction of Illinois Route 171 (Archer Avenue) (Illinois Route 171 is in Region 8); Illinois Route 171 north to the city limits of Summit; Summit city limits to the Chicago city limits (Summit is in Region 7).

2) South - Grundy/Livingston county line; Kankakee/Livingston, Kankakee/Ford, and Kankakee/Iroquois county lines.

3) East - Illinois/Indiana state line for Cook, Will, and Kankakee counties.

4) West - Kendall/LaSalle county line; Grundy/LaSalle county line.

h) Region 8 boundary lines:

1) North - DuPage/Cook county line east to Chicago city limits.

2) South - Will/DuPage county line from Kane county line east, then south to Lemont-Joliet Road (Lemont-Joliet Road is in Region 7); Lemont-Joliet Road east from Cook/Will county line to Illinois Route 83 (Illinois Route 83 is in Region 8); Illinois Route 83 south from Lemont-Joliet Road to junction of Illinois Route 171 (Archer Avenue) (Illinois Route 171 is in Region 8); Illinois Route 171 north to the city limits of Summit; Summit city limits to the Chicago city limits (Summit is in Region 7).

3) East - Chicago city limits.

4) West - DuPage/Kane county line.

i) Region 9 boundary lines:

1) North - Illinois/Wisconsin state line for McHenry county; Illinois/Wisconsin state line for Lake county from Lake/McHenry county line east to Route 83.

2) South - Illinois Route 71 east from the Kendall/LaSalle county line to Illinois Route 126; east on Illinois Route 126 to the Kendall/Will county line; north on the Kendall/Will county line to the Will/DuPage county line; north on the Kane/DuPage county line; DuPage/Cook county line east to Chicago city limits.

3) East - Route 83 south to Route 173; Route 173 west to Route 59; Route 59 south to Route 60; Route 60 east to Route 83; Route 83 south to the Lake/Cook county line; Lake/Cook county line east to Milwaukee Ave.; Milwaukee Ave. south to Des Plaines River Road; Des Plaines River Road south to Central Road; Central Road east to I 294; I 294 south to Dempster Street; Dempster Street east to the Niles city limits; Niles city limits south to the Chicago city limits.

4) West - McHenry/Boone and Boone/DeKalb county lines; Ogle/DeKalb county line; DeKalb/Lee county line; DeKalb/LaSalle county line; LaSalle/Kendall county line.

j) Region 10 boundary lines:

1) North - Illinois/Wisconsin state line for Lake county.

2) South - Chicago city limits.

3) East - Lake Michigan south from Illinois/Wisconsin state line to Chicago city limits.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

4) West - Route 83 south to Route 173; Route 173 west to Route 59; Route 59 south to Route 60; Route 60 east to Route 83; Route 83 south to the Lake/Cook county line; Lake/Cook county line east to Milwaukee Ave.; Milwaukee Ave. south to Des Plaines River Road; Des Plaines River Road south to Central Road; Central Road east to I 294; I 294 south to Dempster Street; Dempster Street east to the Niles city limits; Niles city limits south to the Chicago city limits.

k) Region 11 is the City of Chicago.

1) Hospitals may request a waiver of the boundary lines for inclusion in a different EMS Region by submitting a request for a waiver to the Department. The Department's decision to grant or deny a waiver request will be based on:

- 1) Normal transfer patterns; and
- 2) Location of the EMS System with which the hospital is affiliated.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Hotel Operators' Occupation Tax Act

2) Code Citation: 86 Ill. Adm. Code 480

3) Section Numbers: Proposed Action:

480.101
Amendment
480.105
Amendment

4) Statutory Authority: 35 ILCS 145, 20 ILCS 2505/39b19.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies that separately stated charges for in-room movie services are subject to the Hotel Operators' Occupation Tax. The rule specifies that separately stated charges for facilities, services or accommodations that are not reasonably attributable to the use or possession of a room as living quarters or for sleeping or housekeeping accommodations are not subject to tax. The rule specifies that the latter charges include, but are not limited to, separately stated charges for the use of health club or sports facilities, and for dry cleaning, laundry, masseuse and steam bath services. In response to Public Act 87-951, these rules amend the definition of "permanent resident" to state that a "permanent resident" includes any person who occupied or has the right to occupy any room or rooms, regardless of whether or not it is the same room or rooms, in a hotel for at least 30 consecutive days. The rule also amends the definition of "occupancy," to state that the services and accommodations accompanying the use and possession of a room include, but are not limited to, in-room movie services.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Jerilynn T. Gorden
Associate Counsel

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, IL 62708
(217) 782-7054

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Primarily, hotels and motels, rooming houses and inns.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping skills are required for compliance with this rule.

C) Types of professional skills necessary for compliance: Clerical/bookkeeping.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 480
HOTEL OPERATORS' OCCUPATION TAX ACT

Section 480.101	Nature, Rate and Scope of the Tax
480.105	Definitions
480.110	Registration and Returns
480.115	Books and Records
480.120	Penalties, Interest and Procedures
480.125	Claims to Recover Erroneously Paid Tax

AUTHORITY: Implementing the Hotel Operators' Occupation Tax Act [35 ILCS 145] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19].

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1989; amended at 16 Ill. Reg. 3578, effective February 25, 1992; amended at 19 Ill. Reg. _____, effective _____.

Section 480.101 Nature, Rate and Scope of the Tax**a) Nature and Rate of Tax**

- 1) The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 5% of 94% of the gross rental receipts from such renting, leasing or letting, excluding, however, from said gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of such hotel (i.e., from persons who occupy or have the right to occupy such rooms for at least thirty consecutive days).
- 2) There is also imposed an additional tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 1% of 94% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel.
- 3) A hotel is any kind of building in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. (For a more complete definition of "hotel", see Section 480.105 of this Part.)
- 4) The exclusion for permanent residents means that the tax is imposed on the business of renting rooms for use as living quarters, or for sleeping or housekeeping accommodations, where such renting is done on a transient basis.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 5) The tax is an occupation tax whose legal incidence is on the lessor of the rooms. Nevertheless, persons subject to the tax imposed by The Hotel Operators' Occupation Tax Act may reimburse themselves for their tax liability under the Act by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with any locally imposed Hotel Operators' Occupation Tax.

- 6) Any amount added to a taxable rental charge and collected because of the tax also represents a portion of the gross rental receipts that are subject to the tax. However, the tax rate, instead of being a flat 6% of total receipts, has been adjusted by the General Assembly so as to be 5% of 94% plus 1% of 94% of total receipts, in order to avoid the payment of tax on amounts which are added to rental charges because of the tax.

b) Scope of the Tax--Examples of Taxability and Exemption

- 1) Since The Hotel Operators' Occupation Tax is imposed on receipts from renting rooms for living quarters, or for sleeping or housekeeping accommodations, the tax does not apply to the receipts from the renting of rooms for other purposes, such as for use as display rooms or sample rooms, as meeting rooms, as offices or as private dining rooms.
- 2) Since the tax is limited to the renting of rooms to the "public", a private club which restricts its renting of rooms to its members and their guests would not be liable for the tax on its rental receipts from such rooms.
- 3) The business of renting rooms to the public for use as living quarters, or for sleeping or housekeeping accommodations, is subject to the tax even if the person paying for the room may be a church, charity or school or some other kind of nonprofit organization, and even if the person paying for the room may be a governmental agency or instrumentality (Federal, State or local, or even a foreign government).
- 4) There is no exemption simply because the lessor of the rooms is a nonprofit organization, such as a church, charity or school. However, a college or other school is not subject to the tax on its receipts from renting rooms to its students for use as living quarters or for sleeping or housekeeping accommodations because this is not the renting of the rooms to the "public". Nevertheless, if the school rents rooms for such purposes to persons who are not enrolled with the school in courses of study for credit, such renting is not being done to students, but is being done to the "public", and the school incurs Hotel Operators' Occupation Tax liability on its rental receipts from this activity, if such lessees do not qualify as permanent residents.
- 5) Likewise, the renting of rooms on a transient basis to the public for use as living quarters or sleeping or housekeeping accommodations where the lessor is a charitable organization,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

such as the Y.M.C.A. or the Y.W.C.A., is subject to The Hotel Operators' Occupation Tax.

- 6) If an operator should make a separate and specific charge for the use of bedding or other facilities, services or accommodations accompanying the use and possession of a room ~~connection-with-the-use-of-a-room~~ as living quarters or for sleeping or housekeeping accommodations, the operator's additional receipts from this source are subject to The Hotel Operators' Occupation Tax. Such charges include, for example, separately stated receipts from in-room movie services. However, ~~the~~ that tax does not apply to the operator's receipts from selling food, beverages or other tangible personal property, nor to separately stated charges for facilities, services or accommodations that are not reasonably attributable to the use or possession of a room as living quarters or for sleeping or housekeeping accommodations. For example, separately stated charges for the use of health club or sports facilities, for massage, steam bath, dry cleaning or laundry services, or receipts from the selling of tickets to theatre performances or other similar activities, are not subject to the tax. ~~nor to other receipts which are not in any way reasonably connected with or attributable to the renting, leasing or letting of rooms for use as living quarters or for sleeping or housekeeping accommodations. Exemption Provided--that--exemption for such nontaxable receipts cannot be claimed unless supported by proper books and records as provided for in Section 4 of The Hotel Operators' Occupation Tax Act and in Section 480.115 of this Part.~~

c) How to Compute Applicable Tax Rate or Effective Date of New Tax

- 1) For the purposes of The Hotel Operators' Occupation Tax Act, any tax liability incurred in respect to the renting, leasing or letting of rooms in a hotel shall be computed by applying, to the gross receipts from such renting, leasing or letting, the tax rate in effect as of the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms. Deposits paid in advance shall be deemed to be received as rental receipts when the specific room or rooms to which such deposit is applied as rent shall be deemed to be rented, leased or let within the meaning of the preceding sentence.
- 2) Likewise, when something that has been exempted becomes taxable as to room renting, leasing or letting that occurs on or after some particular date, the date of renting, leasing or letting for this purpose shall be deemed to be the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 480.105 Definitions

"Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

"Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms. Such services and accommodations include, but are not limited to, in-room movies.

"Operator" means any person operating a hotel.

"Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether it is the same room or rooms, in a hotel for at least 30 consecutive days.

"Rent" or "rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

"Room" or "rooms" means any living quarters, sleeping or housekeeping accommodations.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Procedures of the Department of State Police Merit Board

2) Code Citation: 80 Ill. Adm. Code 150

3) Section Numbers: Proposed Action:

150.680 Amendment

4) Statutory Authority: 20 ILCS 2610/14

5) A Complete Description of the Subjects and Issues Involved: Section 150.680 - This change is needed due to the passing and signing of HB 913 which requires back-pay compensation with interest at a 7% rate and outlines frivolous litigation issues.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: Not applicable.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days of the date of publication of this Notice, any interested person may submit comments, data, views or arguments regarding the proposed amendments. The request and submissions must be in writing and directed to:

Mr. James E. Seiber
Executive Director
Department of State Police Merit Board
3180 Adloff Lane, Suite 100
Springfield, IL 62703
(217) 786-6240

12) Initial Regulatory Flexibility Analysis: The Department of State Police Merit Board has determined that this rulemaking will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was unanticipated at the time of the two most recent regulatory agendas.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10

Definitions

Section
150.210

Qualifications

150.220

Selection Procedures

150.230

Recertification

150.240

Probationary Period

SUBPART B: CERTIFICATION FOR APPOINTMENT

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310

Ranks

150.320

Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410

Board Responsibilities

150.420

Eligibility

150.430

Procedures

150.440

Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510

Merit Board Jurisdiction

150.520

Discipline Afforded the Deputy Director

150.530

Notification to Suspended Officer

150.540

Petition for Review

150.550

Form and Content of Petition for Review

150.560

Filing Procedures

150.565

Procedure for Processing Petition for Review

150.570

Director's Review

150.575

Discipline Afforded the Director

150.580

Complaint Procedures

150.585

Scheduling the Hearing

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

150.590 Notification to Officer

SUBPART F: HEARINGS

Section

150.610

Board Docket

150.620

Hearing Officer

150.630

Pre-hearing Conferences

150.640

Motions

150.650

Subpoenas

150.655

Request for Witnesses or Documents

150.660

Evidence Depositions

150.665

Hearing Procedures

150.670

Continuances and Extensions of Time

150.675

Computation of Time

150.680

Decisions of the Board

150.685

Service and Form of Papers

APPENDIX A Vision Standards

APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill.

DEPARTMENT OF STATE POLICE MERIT BOARD

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Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART F: HEARINGS

Section 150.680 Decisions of the Board

All decisions of the Board as to *guilt or innocence* will be announced within thirty (30) days after receipt of the Hearing Officer's proposal for decision. All decisions of the Board with respect to penalty will be announced within thirty (30) days after receipt of the Hearing Officer's report on the evidence and/or argument submitted in aggravation or mitigation of the penalty, as outlined below:

- a) After the hearing on a Complaint, the Board shall render a written decision outlining the findings of fact upon which the decision is based and mail it by either registered or certified mail, return receipt requested, to the officer charged. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the charges are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the accusations included in the Complaint, and reservation has been made concerning the opportunity to present evidence in aggravation or mitigation of the penalty, the Board shall then remand the case to the Hearing Officer for the purpose of taking additional evidence and/or argument. Thereafter the Hearing Officer shall promptly submit a report to the Board on the evidence and/or argument submitted in aggravation or mitigation of the penalty. The Board will promptly order the officer's discharge, demotion, or a suspension for a period of not more than 180 days, or recommend participation in a rehabilitative program, including but not limited to the State Employees Assistance Program, whichever in the opinion of the Board is most applicable. If the officer is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board shall order ~~may instruct~~ that the officer receive compensation for the period involved. The award of compensation shall include interest at the rate of seven percent (7%) per annum. This determination will be based on the final decision of the Board, the officer, and legal counsel after reviewing all pertinent information including, but not limited to, monies due to the state or to third parties involved in the charge(s), and income earned or received by the officer during the period involved. Officers are required to disclose any income earned or received (e.g., public assistance or unemployment compensation)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

- b) during the period involved.
- c) After the hearing on a Petition for Review, the Board will render a written decision outlining the facts upon which the decision is based, and mail it by either registered or certified mail, return receipt requested, to the officer filing the Petition. A copy of said decision shall be mailed to the Director. The decision will find the officer guilty, if the contents of the Notice of Suspension are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the contents of the Notice of Suspension and a reservation has been made concerning the opportunity to present evidence in aggravation or mitigation of the penalty, the Board shall then remand the case to the Hearing Officer for purpose of taking additional evidence and/or argument. Thereafter the Hearing Officer shall promptly submit a report to the Board on the evidence and/or argument submitted in aggravation or mitigation of the penalty. Thereafter, the Board may sustain, reduce, or reverse the action of the Director or Deputy Director; and in the event of reversal or reduction, the Board shall order ~~may-direct~~ that the officer receive the pay for the appropriate period involved. The award of compensation shall include interest at the rate of seven percent (7%) per annum. The Board may not increase the extent of disciplinary measures upon appeal of a suspension of up to 30 days. Such decision shall be supported by a statement of findings of fact. A copy of said decision shall be mailed to the attorney(s) of record, the Director and the Deputy Director that initiated the action.
- c) The Director shall carry out the order of the Board, and if the accused officer refuses to abide by the order, the Director shall remove the officer forthwith.
- d) If the Board finds that a party has made allegations or denials without reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

- 2) Code Citation: 80 Ill. Adm. Code 1650

- 3) Section Numbers: Proposed Action:

1650.110 Amendment
 1650.160 Amendment
 1650.180 Amendment
 1650.182 Amendment
 1650.183 Addition
 1650.210 Amendment
 1650.230 Amendment
 1650.240 Amendment
 1650.270 Amendment
 1650.272 Addition
 1650.290 Amendment
 1650.320 Amendment
 1650.325 Amendment
 1650.340 Amendment
 1650.350 Amendment
 1650.360 Amendment
 1650.440 Amendment
 1650.450 Amendment
 1650.451 Addition
 1650.460 Amendment
 1650.470 Addition
 1650.520 Amendment
 1650.530 Amendment
 1650.560 Amendment
 1650.620 Amendment
 1650.710 Amendment
 1650.810 Amendment
 1650.910 Addition
 1650.920 Addition
 1650.930 Addition
 1650.940 Addition
 1650.950 Addition
 1650.960 Addition
 1650.970 Addition
 1650.980 Addition
 1650.990 Addition
 1650.995 Addition
 1650.1000 Addition
 1650.1010 Addition
 1650.1020 Addition
 1650.1030 Addition

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1650.1040 Addition
 1650.1050 Addition
 1650.1060 Addition
 1650.1070 Addition
 1650.1080 Addition

- 4) Statutory Authority: Implementing and authorized by Sections 16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192 of the Illinois Pension Code [40 ILCS 5/16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192]; Freedom of Information Act [5 ILCS 140].

- 5) A Complete Description of the Subjects and Issues Involved:

1650.110 Subsection (b)(4) amended to clarify what documentation would be accepted by the System to verify creditable service and salary when official records are unavailable. Subsection (c) amended to provide that whenever salary information is unavailable for a period of creditable service, the System will use the member's first confirmable salary succeeding the period for which credit is sought to assess contributions.

1650.160 The disclosure exceptions were expanded to allow member information to be disclosed to the Social Security Administration for pension offset purposes. Amends the confidentiality rule to allow information to be provided to CMS as necessary to administer annuitant health insurance program.

1650.180 Subsection (a) amended to require that employer contributions due upon federally funded creditable earnings be remitted to the System each pay period or monthly if owed by a State employer. Subsection (b) amended to provide that if an employer's annual report is postmarked other than by the Post Office, the report must be received no later than four working days from when postmarked, or penalties will be assessed. Subsection (c) advises employers that annual reports must be properly completed and will not be deemed received for penalty purposes until submitted in proper form. Subsection (d) added to allow the System to receive contributions via electronic fund transfer.

1650.182 Subsection (a) amended to require remittance within a reasonable amount of time for consideration in waiving any penalties.

1650.183 New rule added to define employer's normal cost of benefits for

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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actuarial funding purposes.

1650.210 Subsection (f) amended to clarify that if a member dies after the System has received the member's application for a retirement annuity and any outstanding payments are due, the member's death is considered out of service for survivor benefit calculation purposes. Subsection (i) confirms that a member becomes an annuitant upon cashing of the first retirement annuity payment or when the payment is deposited in the member's banking account by electronic fund transfer.

1650.230 Subsection (c) amended to allow the System discretion to not require a member on disability to go to needless medical reexaminations. Subsection (h) amended to require a disabled child to prove continuing disability and to allow the System to suspend benefits if continuing disability is not confirmed.

1650.240 Subsection (e) added to confirm that a member receiving disability payments cannot receive a refund until four months after the member ceases receiving disability payments.

1650.270 Amended to clarify the term "dependent" and set guidelines for establishing dependency.

1650.272 New rule added to set guidelines for establishing eligibility for survivor benefits for dependent children. Annual examinations are required to remain eligible unless deemed unnecessary by the System.

1650.290 Editorial corrections.

1650.320 Subsection (f) defines days of service for which creditable service is eligible to be earned. Subsection (g) sets guidelines for crediting Saturday service. Subsection (h) clarifies that days of service do not include paid leaves of absence.

1650.325 Subsection (c) amended to provide for an in-house calendar to compute disability service credit. Subsection (d) amended to provide for one full year of service credit when a member has received disability benefits for 170 days in any school year.

1650.340 Subsection (d) amended to define when a layoff occurs.

1650.350 Subsection (a) amended to set forth the formula for determining when sick leave days granted in a member's final years of employment will be reportable to the System. Subsection (b) amended to provide that as of July 1, 1997, sick leave days for

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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which a member receives compensation will not be available to increase service credit.

1650.360 Subsection (a) amended to clarify that to be reportable, an award or settlement must compensate the member for lost salary during a period the member is on a disputed dismissal or suspension. This subsection also sets guidelines for the charging of interest on contributions due.

1650.440 Amended to allow benefit recalculations of less than \$1.00.

1650.450 Subsection (b)(1) amended to set forth guidelines on reporting back salary awards and clarifies that reporting of court costs, attorney fees and punitive damages as salary is prohibited. Subsection (b)(5) amended to further clarify the terms "qualified deferred compensation plans" and "tax sheltered annuities." Subsection (b)(6) amended to define the term "flexible benefit plan" for the System's purposes. Subsection (c)(8) added to confirm that employer pick-up of .5% employee health insurance contribution is not reportable as creditable earnings.

1650.451 New rule added to require that payments conditioned upon the occurrence of future events are payable in the year in which the condition occurs.

1650.460 Subsection (c) amended to confirm that a consolidation or annexation does not result in a change of employer for average salary computation purposes. Subsection (d) amended to clarify that the System computes ERO and ERI member and employer contributions on the basis of annual salary rate rather than creditable earnings where there is less than a full year of service credit.

1650.470 This Section is being proposed to comply with requirements of the Internal Revenue Code.

1650.520 Subsection (b) is being terminated because there is no statutory basis for TRS to allow a member to reduce or discontinue an annuity.

1650.530 Subsection (a) amended to require certified or original copies of power of attorney papers to process benefits. Subsection (b) amended to allow the System to accept a nomination of beneficiary form with a member's mark if witnessed by two disinterested persons.

1650.560 Amended to allow the System to pay benefits based upon a small

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estate affidavit but requires letters of administration if the benefit payable is over \$50,000.

1650.620 Amended to clarify that a member, beneficiary, annuitant or employer can request an administrative review.

1650.910- New rules added to set forth guidelines for handling Freedom
1650.995 of Information Act requests.

1650.1000- These Sections are being proposed to deal with the election
1650.1080 of teachers and annuitants to the Board of Trustees, including:
nomination of candidates, petitions, eligible voters, election
materials, marking and return of ballots, and observation,
certification and challenges of ballot counting.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Erin Smith, Legal Assistant
Teachers' Retirement System
2815 West Washington
P. O. Box 19253
Springfield, IL 62794-9253
(217) 753-0375

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

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13) Regulatory Agenda on which this rulemaking was summarized:

The full text of the Proposed Amendments begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMSCHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.110

Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

Membership Records

1650.110 Claims Records (Repealed)

1650.120 Individual Accounts (Repealed)

1650.130 Ledger and Accounts Books (Repealed)

1650.140 Statistics (Repealed)

1650.150 Confidentiality of Records

1650.160 Filing and Payment Requirements

1650.180 Early Retirement Incentive Payment Requirements

1650.181 Waiver of Additional Amounts Due

1650.182 Definition of Employer's Normal Cost

1650.183

SUBPART C: FILING OF CLAIMS

Section

1650.210 Claim Applications

1650.220 Reclassification of Disability Claim (Repealed)

1650.230 Medical Examinations and Investigations of Claims

1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment

1650.250 Death Benefits

1650.260 Evidence of Age

1650.270 Reversionary Annuity - Evidence of Dependency

1650.271 Evidence of Parentage

1650.272 Eligible Child Dependent By Reason of a Physical or Mental

Disability

1650.280 Evidence of Marriage

1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section

1650.310 Effective Date of Membership

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1650.320 Method of Calculating Service Credits

1650.325 Method of Calculating Service Credit for Recipients of a Disability
Benefits or Occupational Disability Benefit

1650.330 Duplicate Service Credit

1650.340 Service Credit for Leave of Absence--~~Sabbatical~~---~~leave~~ or
Involuntary Layoffs

1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

1650.360 Service and Earnings Credit Obtained Pursuant to Labor Contract
Litigation

1650.370 Calculation of Average Salary (Renumbered)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

1650.410 Refunds for Duplicate or Noncreditable Service

1650.420 Interest on Deficiencies (Repealed)

1650.430 Installment Payments (Repealed)

1650.440 Small Deficiencies, Credits or Death Benefit Payments

1650.450 Definition of Salary

1650.451 Reporting of Conditional Payments

1650.460 Calculation of Average Salary

1650.470 Rollover Distributions

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

1650.505 Beneficiary (Repealed)

1650.510 Re-entry Into Service

1650.520 Suspension of Benefits

1650.530 Power of Attorney

1650.540 Conservators/Guardians

1650.550 Presumption of Death

1650.560 Benefits Payable on Death

1650.570 Survivors' Benefits

1650.580 Evidence of Eligibility

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section

1650.610 Staff Responsibility

1650.620 Right of Appeal

1650.630 Form of Written Request

1650.640 Prehearing Procedure

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1650.650 Hearing Procedure
1650.660 Rules of Evidence

SUBPART I H: AMENDMENTS TO BYLAWS AND RULES

Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section
1650.910 Summary and Purpose
1650.920 Definitions
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests
1650.950 Appeal of a Denial
1650.960 Executive Director's Response to Appeal
1650.970 Response to FOIA Requests
1650.980 Inspection of Records at System Office
1650.990 Copies of Public Records
1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section
1650.1000 Nomination of Candidates
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots
1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting

AUTHORITY: Implementing and authorized by Sections 16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192 of the Illinois Pension Code [40 ILCS 5/16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192]; Freedom of Information Act [5 ILCS 140].

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SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section 1650.110 Membership Records

- a) Every member shall provide information with respect to his or her date and place of birth, Social Security number and home address including a facsimile of his or her signature.
- b) Creditable service and salary is established by submission of annual reports (filed by the member's employer), an affidavit of a school official based upon existing school records, or copies of contracts, board minutes, memoranda, payroll records and other materials as requested by the System for assistance in making the necessary determinations. If the preceding documentation is unavailable, the member shall submit at least one of the following types of documentation in the following order of priority:
 - 1) Certified records of the Chief Educational Officer of the County in which the member was employed.
 - 2) Income tax records for the entire time period showing employment as a teacher.
 - 3) Certified records of another retirement system.
 - 4) Other documentation, such as corroborating affidavits, that are based upon actual knowledge and are sufficiently specific as to times, dates, places and surrounding circumstances so that the proof of service submitted to the System reliably documents the service to be established while eliminating the possibility of mistake or fraud. ~~Such other documentation found by the System to be trustworthy--such as--that--produced--by--independent-third parties:~~
- c) Whenever the salary information for a period of creditable service is unavailable, the System shall establish a salary (and assess contributions at the applicable statutory rate) which is equal to the member's first full-time salary paid as a contributing member of the System succeeding the time period in question. The System shall convert the first full-time salary paid succeeding the time period in question to its part-time equivalent, whenever the unavailable salary information is for part-time employment.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.160 Confidentiality of Records

The Board, its Executive Director, and agents and employees of the System are prohibited from disclosing the contents of a member's, annuitant's, or beneficiary's files, records, papers, or communications except: for purposes connected with the official responsibility of the Teachers' Retirement System; to other systems subject to and participating in the Reciprocal Act; to the Department of Central Management Services for annuitant health insurance purposes; to the Social Security Administration for government pension offset determination and windfall elimination purposes; upon written authorization from the individual whose record is to be released; in response to a subpoena; or when required pursuant to the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.180 Filing and Payment Requirements

a) All employers are required to forward member contributions and amounts required under 40 ILCS 5/16-158(c) to the System after the close of each pay period or monthly, if a State Institution, and to file an annual report of earnings with the System on or before August 15 of each year. Failure to forward contributions or to file reports shall result in additional amounts due as prescribed by Section 16-155 of the Illinois Pension Code (the Act) [40 ILCS 5/16-155].

b) In determining ~~administering~~ the additional amount due for late filing of the employer's annual report of earnings as prescribed by Section 16-155(c) of the Act, the postmark date is deemed to be the date of receipt. If the postmark is made other than by the U.S. Post Office, such as a postage meter, the postmark must show a date on or before the date the material was to be received in an office of the System and must be received no later than four working days after the date shown.

c) The employer's annual report of earnings shall be properly completed and report creditable earnings in accordance with applicable laws and rules. Any report failing to materially conform with this requirement shall be returned to the employer and shall not be deemed received until properly corrected and returned to the System.

d) Envelopes must be properly addressed to the System if the reports are to be considered filed timely, with correct postage paid by the employer. The System may accept contributions via electronic transfer.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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Section 1650.182 Waiver of Additional Amounts Due

a) The System may waive additional amounts due upon good cause shown when:

- 1) The delinquency is attributable to circumstances commonly known as an "act of God", such as fire, flood, tornado and the like; or
- 2) The delinquency is attributable to other administrative reasons where no employer negligence is involved; ~~and~~ the employer's record indicates a history of good faith and consistent compliance with the System's contribution and reporting requirements; and the employer remits the annual report of earnings and/or required contributions within a reasonable time as determined by the System taking into consideration the reason for delinquency and the period of delinquency.
- b) Circumstances purporting to justify a waiver of the additional amounts due must be certified in writing to the System by the Superintendent of the school district or chief operating officer of the employer requesting a waiver.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.183 Definition of Employer's Normal Cost

The employer's normal cost is the employer's portion of the total normal cost of benefits earned by active members during the fiscal year (which beginning July 1, 1995, shall include the System's estimated administrative expenses for the fiscal year) that is not funded by the estimated contributions of active members for the fiscal year. The total cost of benefits and the employer's normal cost are expressed as percentages of projected active member payroll, actuarially determined, and are approved by the Board of Trustees before the fiscal year begins. The employer's normal cost rate approved by the Board of Trustees shall be used for all calculations that are to be based on the employer's normal cost, except that, for purposes of determining the contribution for optional creditable service under Section 16-128(a)(ii) of the Act, the employer's normal cost rate shall be the total cost of benefits rate for the fiscal year in which such service is verified reduced by the member contribution rate used to determine the amount under Section 16-128(a)(i) of the Act.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART C: FILING OF CLAIMS

Section 1650.210 Claim Applications

- a) Any individual claiming a retirement annuity, a disability retirement

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annuity, a survivor benefit, a disability benefit or an occupational disability benefit shall file an application therefor in the form prescribed by the System. This application, together with the membership record, and such other information as may have been compiled during the membership of the member or submitted by the applicant shall constitute the complete record forming the basis of the claim. An application for survivor benefits shall be accompanied by a certified copy of the death certificate, other public record of death, or a physician's certificate.

b) When 90 or more days have elapsed subsequent to the commencement of a member's disability, oral or written notification of the disability shall be deemed sufficient to commence accrual of benefits. Provided, however, if the System fails to receive the documentation required by Section 16-149 or Section 16-149.1 of the Act within six months of the initial notification, no benefits shall with accrue until all required ~~that~~ documentation is received by the System.

c) Disability benefits become payable the later of:

- 1) The 31st calendar day after commencement of absence due to disability;
- 2) Upon exhaustion of the member's sick leave or (if sick leave not paid by employer) when the sick leave would have been exhausted had the member been paid; or
- 3) The date the System receives notification of disability if more than 90 days have elapsed from the later of:
 - i) commencement of disability; or
 - ii) the last day for which salary (including sick leave pay) is payable, whether or not these days are actually paid.

d) When an individual claiming disability benefits is employed under an agreement for less than 12 full months, neither the 31-day waiting period nor the utilization of sick leave requirement, as contained in subsection (c) above, is satisfied during periods not covered by the agreement. For purposes of granting disability benefits it will be presumed that all employment agreements cover one full school term and are automatically renewable at the commencement of the next school term. Satisfactory evidence must be presented of an employment agreement covering a longer period than a full school term (e.g., 10, 11 or 12 months). Satisfactory evidence will consist of a written statement from the employer.

e) Occupational disability benefits become payable the later of:

- 1) The date after the last day for which salary is paid; or
- 2) The date the System receives notification of disability if more than 90 days have elapsed from the later of:
 - i) the commencement of the disability; or
 - ii) the last day for which salary is paid.

f) Death after receipt by the System of an application for a retirement annuity and any outstanding payments Receipt-by-the-System-of-an application-for-a-retirement-annuity-and-any-outstanding-payments terminates-membership-in-the-System--the-death-of-an-applicant is

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deemed to be a death out of service when calculating survivor benefits.

g) A member may request, in writing, a transfer from a disability benefit to an age retirement annuity or a disability retirement annuity prior to the expiration of the eligible period for disability benefits. The effective date of such annuities shall be the first of the month following receipt of the request. A member receiving a disability retirement annuity may, any time after becoming eligible for age retirement, request in writing a transfer to an age retirement annuity. The effective date of the age retirement annuity will be the first day of the month following receipt of the written request for such transfer.

h) Whenever a member because of employment becomes ineligible to receive a disability benefit, disability retirement annuity or occupational disability benefit but is subsequently disabled for the same cause within 90 days, benefits shall be reinstated at the previous rate upon written application. Benefits will commence the day following the last day the member is eligible to receive salary. If more than 90 days have elapsed, benefits shall be reinstated based on the greater of the member's most recent annual contract salary rate at the time the disability benefit becomes payable or the member's annual contract rate on the date the disability commenced.

i) A member becomes an annuitant of the System upon cashing the first retirement annuity payment or upon the date the first retirement annuity payment is deposited in the designated member's bank account by electronic funds transfer.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.230 Medical Examinations and Investigations of Claims

- a) Each member seeking a disability benefit, occupational disability benefit, or a disability retirement annuity shall provide the System with written reports by two or more licensed and practicing physicians certifying that the member is disabled and unable to properly perform the duties of his or her position. Provided, however, in the case of disability due to pregnancy, the member shall provide the System with a written report by one licensed and practicing physician certifying that she is disabled and unable to perform the duties of her position. In order to substantiate the member's or the annuitant's continued eligibility for a disability benefit, occupational disability benefit, or a disability retirement annuity, the System shall require that the member or annuitant submit to additional medical examinations and shall request hospital records; Department of Employment Security earning statements; Social Security benefit payment information; income tax records; and other pertinent information, under any one of the following circumstances:

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- 1) There is disagreement among examining physicians;
- 2) The medical examinations were inadequate to substantiate continued disability. A medical examination is considered inadequate when:
 - A) a report is incomplete; or
 - B) a report was not completed within the last three months; or
 - C) the duration of disability is shorter than the period between the date of the medical examination and the date of the submittal of the report.
- 3) There is evidence an impartial medical examination was not performed. An impartial medical exam is not performed when the physician is:
 - A) related to the teacher; or
 - B) a friend of the teacher.
- 4) There is a reasonable basis to believe the member is no longer disabled. A reasonable basis exists when:
 - A) the System receives information that the teacher was engaged in activities which would be prohibited by his or her stated disability; or
 - B) the System receives inquiries by teachers receiving a disability benefit, disability retirement annuity or occupational disability benefit regarding the work which they may perform.
- 5) The member is found to be gainfully employed. The term "gainfully employed":
 - A) shall be construed to mean:
 - i) any compensation which exceeds \$500 in any month for personal services, including fees, wages, salary, commissions, and similar items; and
 - ii) any income which exceeds \$500 in any month derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income; and
 - B) shall be computed on a gross rather than net basis (i.e., no deduction of any kind, including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation); and
 - C) shall be computed either on a monthly or on an annual basis; that is: more than \$500 compensation earned in a month results in a loss of eligibility for that month; more than \$6,000 compensation earned in a year results in loss of eligibility for that year.
- c) Members or annuitants in receipt of a disability benefit or occupational disability benefit shall be requested to submit to medical examinations at least once each year. When a disability benefit terminates, and a member elects to retire ~~requests-retirement~~ on a disability retirement annuity, the member shall submit to a medical examinations ~~examination~~, unless the member's last examination

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- ~~member--was--examined~~ within the preceding six months substantiates a continuing disability, in which case no new medical examinations are required.
- d) A member in receipt of a disability retirement annuity who becomes eligible for an age retirement annuity shall submit to medical examinations to retain disability retirement annuity status.
 - e) The System may have medical information submitted to it evaluated by a qualified consultant or consulting firm. The System retains the right to require members or annuitants to submit to medical examinations by physicians selected by the System, at its own expense. These examinations may be in addition to the written reports tendered by the member or the annuitant. Such examinations shall be required when prior medical examinations were inadequate, when there is a question regarding the independence of the physician or when the forms are not completed properly or there is a reasonable basis to believe the member is no longer disabled.
 - f) Failure of a member or an annuitant to submit to medical examination, or to provide the information required pursuant to Sections 16-149 through 16-149.2 of the Act shall result in suspension of payments.
 - g) The term "licensed physician" means any individual licensed by the state ~~State~~ in which he or she practices ~~they-practice~~ as a medical doctor. All licensed physicians shall be requested to submit their registration number on all reports submitted to the System.
 - h) Each beneficiary seeking to receive a survivor benefit as a disabled eligible child shall provide the System with a written report from a licensed and practicing physician certifying the beneficiary is disabled as defined by Section 16-140(4) of the Act and Section 1650.272(a)(2) of this part. Disabled children in receipt of a monthly survivor benefit shall be requested to submit to an annual medical examination, unless exempted therefrom by Section 1650.272(b). If a required medical examination is not submitted to the System, survivor benefits will be suspended until such required examination is received.
 - i) In order to substantiate the beneficiary's continued eligibility as a disabled child, for a survivor benefit, the System shall require that the beneficiary submit to additional medical examinations and shall request medical records; Department of Employment Security earnings statements; Social Security benefit payment information; Public Aid benefit payment information; income tax records; and other pertinent information, under any one of the following circumstances:
 - 1) The medical examination was inadequate to substantiate continued disability. A medical examination is considered inadequate when:
 - A) a report is incomplete; or
 - B) a report was not completed within the last three months; or
 - C) the duration of disability is shorter than the period between the date of the medical examination and the date of the submittal of the report.
 - 2) There is evidence an impartial medical examination was not

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performed. An impartial medical exam is not performed when the physician is:

- A) related to the beneficiary; or
- B) a friend of the beneficiary.
- 3) There is reasonable basis to believe the beneficiary is no longer disabled. A reasonable basis exists when:
 - A) the System receives information that the beneficiary was engaged in substantial gainful activity; or
 - B) the System receives inquiries from the beneficiary regarding the work the beneficiary may perform.
- 4) The beneficiary is found to be able to engage in substantial gainful activity. The term "substantial gainful activity" is defined in Section 1650.250(c).
- 5) Failure of the beneficiary to submit to medical examinations, or to provide the information required to establish or substantiate continued disability, shall result in suspension of payments.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment

- a) Any member eligible to receive a refund of contributions pursuant to the provisions of Section 16-151 of the Act shall, if he or she so elects, make a written request therefor upon a form prescribed by the System. A refund is deemed accepted and membership in the System terminates upon the cashing of a refund warrant or the escheat of a warrant.
- b) To be credited toward the calculation of a retirement annuity, survivors benefit, or disability benefit, the service canceled by such refund must have been re-established in accordance with the provisions of the Act, by repayment of the refund in full, including statutory interest, prior to the member's retirement, death, or commencement of disability benefits.
- c) Whenever the System determines that there has been a refund not in accordance with the provisions of the Act (an "impermissible refund"), whatever the reason, it shall record such refund as an optional service receivable, with interest at the statutory rate accruing on any unpaid balance from date of refund until date of repayment, and shall notify the member of the amount due.
- d) A member who received an impermissible refund, who does not wish to re-establish the service canceled thereby, may retire without paying the amount due but is barred from making repayment and adding the service credit after retirement.
- e) A member receiving a disability benefit under the provisions of Section 16-149 of the Act is not eligible to receive a refund of contributions until four months following the date for which disability benefits are last paid.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.270 Reversionary Annuity - Evidence of Dependency

For the purposes of the reversionary annuity provided in Section Article 16-136 of the Act, the term "dependent" shall include a spouse, an unmarried natural or adopted child under age 18, or any other individual meeting the support requirements set forth herein. ~~or an unmarried child of any age who has been adjudged disabled pursuant to Article X(a) of the Probate Act of 1975 except any such child receiving benefits under Article II of the Illinois Public Aid Code if designated by the retiring member without further proof of dependency. If any individual other than a spouse or unmarried natural or adopted dependent child under age 18 is designated by the retiring member, the retiring member must furnish the System with evidence that the retiring member provided over 50% of the support of the designated individual during the 12 calendar months immediately preceding retirement. A copy of the member's federal income tax return, filed for the tax years covering the above 12 month period, year claiming the person as a dependent, shall be accepted as evidence of dependency.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability

- a) To establish eligibility for a survivor benefit as an eligible child dependent by reason of a physical or mental disability under the provisions of Section 16-140(4) of the Act, a claimant or his or her duly authorized representative shall furnish the following to the System:
 - 1) Reliable documentary evidence that at the time of the member's or annuitant's death, the member or annuitant parent was providing support necessary so that the parent could claim the claimant as a dependent for federal income tax purposes in the tax year preceding the member's or annuitant's death; and
 - 2) Written reports by two or more licensed physicians certifying that the claimant is physically or mentally unable to engage in substantial gainful activity as defined in Section 1650.250(c) and will remain disabled for a period of not less than twelve months. Claimant physician reports are subject to review by the System, and the claimant may be required to be examined by a physician or physicians selected by the System to verify eligibility.
- b) Unless the claimant's disability has been determined to be permanent or expected to result in death within two years by the claimant's examining physicians, the claimant shall be required to furnish the

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System annual physician certifications of disability. Recertifications are due to the System 30 days prior to the annual anniversary of the claimant's survivor benefits start date.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.290 Offsets

a) Benefits received by a member under the Workers' Compensation Act [820 ILCS 305] or the Workers' Occupational Diseases Act [820 ILCS 310] with respect to a disability shall be applied as an offset against any occupational disability benefit provided by the System with respect to the same accident, illness or disease.

1) If the amount of compensation received is less than the monthly benefit provided under the Illinois Pension Code, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the System. If the amount of compensation received equals or exceeds the monthly benefit provided under the Illinois Pension Code, no benefit shall be payable by the System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Act.

2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act.

3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

4) The amount considered for offset purposes shall not be reduced by any legal expenses granted from the award to the member.

5) An offset shall not be applied to medical expenses paid on behalf of or to the claimant.

b) Whenever the System determines benefits, except for an impermissible ~~impermissible~~ refund as defined in Section 1650.240, have been paid erroneously or in an excess amount greater than \$50.00, the System shall record such overpayment as an accounts receivable and notify the payee or other person from whom repayment is expected of the amount due.

c) Interest shall accrue at the statutory rate beginning on the first day of the month following 30 days from the date of notification by the System, with the exception of:

1) Those balances owed for overpayment of disability retirement

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annuity resulting from excess earned income which are recovered in full in the calendar year in which the overpayment is determined, and

2) Any overpayments with a beginning balance of less than \$1,000. The overpayment will be collected in accordance with the following criteria:

1) Overpayment to benefit recipient. The amount owed must be repaid to the System in a lump sum or by offset against monthly benefits; however, the payment schedule shall not exceed sixty months. Minimum monthly payments will be set according to the following scale based on monthly benefit level:

A) If the benefit recipient's gross monthly benefit is \$1,000 or less, the minimum monthly payment by offset is equal to 5% of the gross;

B) If the benefit recipient's gross monthly benefit is more than \$1,000 but less than \$2,501, the minimum monthly payment by offset is equal to 7.5% of the gross;

C) If the benefit recipient's gross monthly benefit is \$2,501 or more, the minimum monthly payment by offset is equal to 10% of the gross.

2) Overpayment to current contributing or inactive member. The amount owed must be repaid in a lump sum, in monthly payments by check or money order, or by offset against future benefits payable to the overpaid individual (unless the overpayment is required to be collected from the individual's beneficiaries, in which case it will be collected according to the terms of subsection (d)(b)(3) below). If by offset against the overpaid individual's future benefits, at the time the benefits become payable the minimum monthly payments will be determined according to the scale and schedule set forth in subsections (d)(b)(1)(A) through (d)(b)(1)(C) above.

3) Overpayment to benefit recipient now deceased, to be collected from beneficiaries.

A) If the beneficiary is the recipient of monthly benefits, the amount owed must be repaid in the same manner, involving the same payment options, as the schedule of repayments for overpaid contributing or inactive members, set forth in subsection (d)(1) (b)(2) above; provided, however, that no payment schedule may exceed the projected life of the benefit entitlements. For example, if the beneficiary is a minor child, the repayment must be completed before the beneficiary reaches majority.

B) If the beneficiary is the recipient of a lump-sum benefit only, the System will impose a full offset, up to and including, if necessary, the full amount of the lump-sum benefit.

4) The System will pursue collection through any available means, including seeking the assistance of the Attorney General, the

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- Debt Collection Board, or private collection agencies.
- 5) In any cases in which fraud is suspected in connection with an overpayment, the System will enlist the aid of the Attorney General or such law enforcement agency or prosecutor having appropriate jurisdiction for a determination whether fraud has occurred, and, if it has, for further official action as necessary and appropriate.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section 1650.320 Method of Calculating Service Credits

- a) No more than one year's service credit shall be granted for total service rendered between July 1 of one year through June 30 of the following year.
- b) If the service rendered on a full-time basis, substitute basis, or part-time basis after June 30, 1990 is less than 170 days between July 1 of one year through June 30 of the following year, then credit for service shall be at a ratio of the actual number of days of service to 170 days.
- c) Service credit for service rendered on a permanent and continuous part-time basis prior to July 1, 1990, between July 1 of one year through June 30 of the following year, shall be at the ratio of creditable earnings to the annual salary rate. Provided, however, that for service after June 30, 1959, if such ratio equals or exceeds the ratio of 170 days to the days in the legal school term, one year of service credit shall be granted.
- d) If service prior to July 1, 1990 is rendered partially on a full-time basis and partially on a permanent and continuous part-time basis between July 1 of one year through June 30 of the following year, then credit for service shall be at the ratio of creditable earnings to the annual salary rate. Provided, however, that for service after June 30, 1959, if such ratio equals or exceeds the ratio of 170 days to the days in the legal school term, one year of service credit shall be granted.
- e) Whenever the actual number of days of service is unavailable because of lack of employer records, the number of days the System uses to grant service credit shall be equal to the actual number of hours for which the member was paid, divided by four.
- f) Days of service shall include any weekday, Monday through Friday, for which periodic payment is made to the member for:

- 1) Service rendered which requires teacher certification under the School Code;
- 2) Attendance, during the work week, at teacher's institutes, workshops and parent/teacher conferences scheduled in the school

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- calendar:
- 3) Legal school holidays;
 - 4) Vacation, sick or personal leave days (except when such payment is for severance pay);
 - 5) Sabbatical leaves meeting the requirements of Section 24-6.1 of the School Code [105 ILCS 5/24-6.1]; or
 - 6) Suspension.

g) A day of service may be credited for Saturday service if such day would otherwise qualify as a day of service and the service was required due to a lawful day of attendance.

h) Days of service do not include days for which the member was paid while on a board-approved leave of absence. However, the member may be eligible to purchase optional service credit under the provisions of Section 1650.340.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefits or Occupational Disability Benefit

- a) Service credit is earned during periods in which disability benefits are paid.
- b) Service credit is earned during periods of occupational disability.
- c) When a member teaches a partial school year and receives disability or occupational disability benefits a partial school year, one full year of service credit is earned when the member receives earnings from teaching and disability or occupational disability benefits for a total of 170 days during the school term or the term of the employment agreement if longer. To determine the service credit a member would have received and the contribution that a member would have made in active employment during any period for which benefits are paid or the member is on occupational disability, the System shall establish on an annual basis two school calendars; a 185-day calendar for members on nine-month contracts and a 260-day calendar for members with greater than nine-month contracts. Service credit and credit for contributions shall be earned and calculated upon the days deemed creditable therein.
- d) One full year of service credit is earned when the member receives earnings from disability or occupational disability benefits for a total of 170 days during any the school year term-for-the-term-of-the employment-agreement-if-longer-with-the-last-employer-prior-to--the commencement-of-disability-or-occupational-disability-benefits.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.340 Service Credit for Leave of Absence--Sabbatical--leaves or

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Involuntary Layoffs

- a) ~~Service credit--for--sabbatical leave--shall be granted when the leave meets the requirements of sabbatical leave according to Section 24-6-1 of the School Code--105-1568-5/24-6-1-17~~
- a)b) For purposes of granting service credit for an approved leave of absence, the statutory return-to-teaching requirement is met when the member establishes credit with this System or the State Universities' Retirement System for at least the lesser of the creditable period of the leave or one year.
- b)c) For purposes of this Section, a leave of absence is creditable as an approved leave if: the member did not resign, the employer promised renewed employment at the end of the leave, and the employer through its board took official action to approve the request for leave, or the leave qualifies as a leave under the Family and Medical Leave Act, as certified by the employer.
- c)d) For purposes of this Section, involuntary layoffs shall not include dismissals for cause or other performance-related reasons. The statutory return-to-teaching requirement is met when the member establishes credit with this System or the State Universities' Retirement System for at least the lesser of the creditable period of the layoff or one year.
- d) For purposes of this Section, a layoff occurs when there is a termination of paid employment due to lack of work, lack of funds, abolition of a position, or a material change in duties or organization.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

- a) To be creditable for retirement purposes, sick leave days must ~~have been actually be~~ available for use by a member in the event of illness. Service credit is not available and shall not be computed for sick leave days added to the record of a member ~~credit-of-a teacher-at-the-time-of-termination-of--service~~ for the purpose of increasing a member's retirement service credit. To determine if any sick leave days granted by an employer during a member's final years of employment are actually available for use and reportable to the System as service credit, the System shall apply the following formula:
- 1) from the date upon which the sick leave days were granted, the number of days remaining in the school term or the member's employment agreement, whichever is greater, until termination shall be determined.
 - 2) from the resulting number of days the System shall subtract the

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- 3) number of sick leave days previously accrued by the member; and the difference is the maximum number of sick leave days that may be reported in addition to those days previously accrued, provided that the employer will allow the member to use such days in the event of illness prior to termination.
- b) Unused and uncompensated sick leave days are not eligible for service credit at retirement when the member receives direct compensation for such days. Direct compensation means payment of salary, wages, fringe benefits, contributions, bonuses and lump sum payments before or after retirement. Notwithstanding the foregoing provisions of this subsection (b), a member is not deemed compensated if his or her employer maintains or establishes a reward system (based upon daily attendance of employees) which pays additional benefits to a member (including but not limited to salary) and which does not reduce the accumulated sick leave days available for use and credited to the member by the employer. Effective July 1, 1997, if a member receives payment of any kind for accumulated sick leave days before or after termination, no service credit shall be available for the days so compensated.
- c) For purposes of calculating a retirement annuity, the System shall not grant service credit for any days withdrawn by the member from a sick leave bank in excess of the days deposited therein and unused by the member.
- d) Accumulated personal leave days are governed by the same standards set forth in subsection (b) above for sick leave days, but only if they were actually available for use by a member in the event of illness.
- e) Accumulated, unused vacation days are not creditable with the System.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.360 Service and Earnings Credit Obtained Pursuant to Labor Contract Litigation

- a) When a member loses service credit and creditable earnings as a result of a disputed dismissal or suspension and a judgment or agreement is entered resulting in an award or agreed amount of settlement to the member to compensate the member for lost salary during the period of the dismissal or suspension, service and earnings credit shall be granted provided:
- 1) the award or settlement agreement identifies the time period for which the member should have received service credit and the amount of salary allocable under the award or agreement to each school term; and,
 - 2) the required contributions are paid within one year after of the award or agreement, otherwise interest shall be charged at the applicable statutory rate from the ~~that~~ date of the award or agreement as specified in Section ~~Sec-~~ 16-112 of the Act.

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- b) Provided, however, if the cash award or settlement amount is either more or less than what the member's salary rate would have been for the time period in question, the contributions shall be assessed against that which the member would have earned had the dispute not occurred.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.440 Small Deficiencies, Credits or Death Benefit Payments

No statements for an account receivable, account payable, death benefit payments, or refunds shall be charged or issued to members, annuitants, beneficiaries or employers for deficiencies, credits or payments, amounting to less than \$50.00 unless demanded. ~~No correction to an annuity shall be made where the correction results in an increase or decrease of less than \$1.00 per month.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.450 Definition of Salary

- a) Any emolument of value recognized by the System that is received, actually or constructively, by a member in consideration for services rendered as a teacher, within all applicable limits and restrictions on qualified pension plans contained in the Internal Revenue Code, 26 U.S.C., at Section 401(a) et seq. Subsection (b) of this Section lists the more common elements of compensation that are recognized by the System as "salary," for purposes of illustration. For further illustration, subsection (c) mentions several examples of items not recognized by the System as "salary." However, "salary" within the meaning of Section 16-121 of the Act is not limited to the items so enumerated.

- b) Examples of salary amounts to be reported to the System include:

- 1) The gross amount of wages or compensation earned or accruing to the member during the legal school term or the length of his or her employment agreement, whichever is greater, in a function requiring certification as a teacher, and payable by the employer at termination of service;
- 2) Wages or compensation for overtime or extra service;
- 3) The amount of back salary awarded to a member ~~payable, exclusive of court costs, attorney's fees and punitive damages,~~ as a result of a settlement or judgment obtained due to a disputed dismissal, suspension or demotion; ~~provided that the salary amount reported to the System under this subsection shall be equal to that Court~~

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- costs, attorney's fees, other compensatory damages and punitive damages shall not be reportable as salary. The back salary amount reported to the System under this Section shall be equal to the amount which the member would have earned had the dispute not occurred, regardless of the actual amount paid;
- 4) Severance pay (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) received by member or becoming due and payable to member prior to or concurrent with receipt of final paycheck for regular earnings;
 - 5) Contributions made by or on behalf of the member to qualified deferred compensation plans (Section 457 of the Internal Revenue Code), salary reduction plans or tax sheltered annuities under Section 403(b) of the Internal Revenue Code; and
 - 6) Amounts that would otherwise qualify as salary ~~and wages~~ under subsections (b)(1) through (b)(5) above but are not received directly by the member because they are used to finance benefit options in a flexible benefit plan; provided, however, that to be reportable, a flexible benefit plan must be available to teachers on a non-discriminatory basis and cannot include non-qualifying deferred compensation. For the System's purposes, a flexible benefit plan is an option offered by an employer to its employees covered under the System to receive an alternative form of creditable compensation in lieu of employer-provided insurance.
- c) Examples of amounts not reportable ~~to-be-reported~~ to the System include:
- 1) Any severance payment (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) becoming due and payable to member subsequent to receipt of final paycheck for regular earnings;
 - 2) Any lump sum payment made after the death of the member;
 - 3) Expense reimbursements, expense allowances, or fringe benefits unless included in a reportable flexible benefit plan;
 - 4) Any monies received by the member under the Workers' Compensation Act or the Workers' Occupational Diseases Act;
 - 5) Any amount paid in lieu of previously nonreportable benefits or reported in lieu of previously non-reported compensation where the conversion occurs in the last years of service and one of the purposes is to increase a member's average salary. If the member's non-creditable or non-reported compensation in any of the last seven creditable school years of employment exceeds that of any other subsequent year, the System will presume the difference, unless resulting from the terms of a collective bargaining agreement, to have been converted into salary and wages in the subsequent year for the purpose of increasing final average salary. To overcome the presumption, the member must submit documentary evidence to the System which clearly and convincingly proves that none of the purposes of the change in compensation structure was to increase average salary (for

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example, collectively bargained agreements, change of employer, change in family status);

- 6) Any amount paid by an employer as the employer's one time contribution (or on behalf of the employee as the employee's one-time contribution) required by the System as part of the statutory early retirement option in Section 16-133.2 of the Act;

and

- 7) Options to take salary in lieu of employment-related expense allowances or reimbursements;

- 8) Employer payment of the member's one-half of one percent health insurance contribution.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.451 Reporting of Conditional Payments

Payments that are conditioned upon the occurrence of a future event (e.g., retirement) shall be reported in the school year in which the condition upon which payment is predicated occurs.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.460 Calculation of Average Salary

- a) The member's annual salary rate shall be used by the System when calculating average salary. If a member has a full year of service credit and the annual salary includes leave of absence earnings and substitute earnings or part-time noncontractual earnings, the annual salary rate for average salary purposes will never be less than the salary rate the leave of absence earnings is based upon. If a member receives less than one year of service credit in any school year, salary shall consist of creditable earnings.

- b) The highest four consecutive school years of service within the last ten years of creditable service shall be deemed the four highest consecutive credit years posted to the member's account. Provided, however, if a member is credited with less than one school year, the System shall use partial consecutive years to establish four consecutive years of salary.

- c) When a member's employer consolidates or annexes with another employer, the consolidation or annexation shall not constitute a change of employer and the average salary shall be computed as though all salary were earned under the same employer.

- d) Where there are creditable earnings for less than a full year of service credit, and those earnings are used in the calculation of the average salary, the annual salary rate for those earnings is considered in the calculation of any member and employer contributions under

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Sections 16-133.2, 16-133.3, 16-133.4 and 16-133.5 of the Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.470 Rollover Distributions

- a) Beginning January 1, 1993, any eligible recipient entitled to receive from the System a refund of contributions pursuant to the provisions of Sections 16-138, 16-143.2, or 16-151 of the Illinois Pension Code [40 ILCS 5/16-138, 16-143.2, 16-151]; a lump-sum benefit pursuant to the provisions of Sections 16-136.4, 16-141 or 16-142 of the Illinois Pension Code [40 ILCS 5/16-136.4, 16-141, 16-142]; or other nonperiodic distribution from the System may elect to have the taxable portion thereof paid in a direct rollover from the System to an eligible retirement plan designated in writing by the eligible recipient; provided, however, that any portion thereof which is a required distribution pursuant to any applicable provision of the Internal Revenue Code is not payable in a direct rollover.

- b) If the taxable portion of the distribution from the System is less than \$200, it is not payable in a direct rollover.

- c) If the taxable portion of the distribution from the System is at least \$200 but less than \$500, the entire sum must either be paid in a single direct rollover or to the eligible recipient.

- d) If the taxable portion of the distribution is greater than \$500, the eligible recipient may have a portion thereof paid to him or her and the balance paid in a direct rollover; provided, however, that the direct rollover must be at least \$500.

- e) Multiple direct rollovers from the System to more than one eligible retirement plan as defined below in subsection (f) of this Section are not allowed.

- f) An "eligible retirement plan" for purposes of this Section is any of the following:

- 1) An individual retirement account described in Section 408(a) of the Internal Revenue Code;
- 2) An individual retirement annuity described in Section 408(b) of the Internal Revenue Code;
- 3) An annuity plan described in Section 403(a) of the Internal Revenue Code; or
- 4) A qualified trust described in Section 401(a) of the Internal Revenue Code that has agreed to accept the distribution.

- g) A "direct rollover" for purposes of this Section is a payment by the System to an eligible retirement plan specified by the eligible recipient as provided above in subsection (a) of this Section.

- h) An "eligible recipient" for purposes of this Section is:

- 1) A member of the System as defined in Section 16-107 of the Illinois Pension Code [40 ILCS 5/16-107]; or
- 2) A surviving spouse of a member of the System.

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1) If the eligible recipient elects a direct rollover from the System as provided in this Section, the eligible recipient shall certify in writing the following:

- 1) That he or she has read the "Special Tax Notice Regarding Payments from TRS"; and
- 2) That the direct rollover is being made into an eligible retirement plan as defined in subsection (f) of this Section.

1) If the eligible recipient elects a direct rollover from the System as provided in this Section, the eligible recipient shall obtain the certification in writing of the entity that is to receive the direct rollover as to the following:

- 1) That the entity receiving the direct rollover is legally eligible to receive such direct rollover;
- 2) That the entity receiving the direct rollover has agreed to accept such direct rollover;
- 3) That the direct rollover is being made to an eligible retirement plan as defined in subsection (f) of this Section; and
- 4) Identifying the type of eligible retirement plan as defined in subsection (f) of this Section to which the direct rollover is being made.

k) In order to receive payment from the System in a direct rollover pursuant to this Section, the System must receive from the eligible recipient all of the following together, in the form or forms prescribed by the System:

- 1) An application for lump-sum distribution;
- 2) A rollover election;
- 3) A certification from the eligible recipient as provided above in subsection (i) of this Section; and

4) A certification from the entity receiving the direct rollover as provided above in subsection (j) of this Section.

1) Payments from the System that are part of a series of equal or substantially equal periodic payments made at least once a year cannot be paid in a direct rollover, if such payments will last for:

- 1) The life or life expectancy of the person entitled to receive such payments;
- 2) The lives or joint life expectancies of the person entitled to receive such payments and that person's beneficiary;
- 3) A period of ten years or more; or
- 4) A period that represents any type of disability payment.

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section 1650.520 Suspension of Benefits

a) Annuitants receiving a retirement annuity under Section 16-132 of the

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Act may be employed as teachers not in excess of 100 days or 500 hours within any one school year. Employment in excess of 100 days or 500 hours within any one school year shall result in termination of payment. When such employment has terminated, the member may re-apply for retirement annuity to be payable effective on the day following termination of employment.

b) Any annuitant may have his or her benefit reduced or terminated upon written request provided, however, that the System shall not be liable for the retroactive payment of a reduced or terminated benefit during the period of time such benefit remains reduced or terminated as the result of the annuitant's request. Such annuitant may have his or her benefit increased or reinstated in full upon written request. Such increase or decrease will take effect the first of the month following the date the written request is received in the System's office.

b) Monthly benefit payments to annuitants shall be suspended when two monthly warrants remain uncashed. The System shall inquire as to the cause for the non-cashing of the warrants. These and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing same.

c) Recipients of a non-occupational disability benefit, occupational disability benefit, disability retirement annuity, or a monthly survivor benefit who fail to return documentation of continued eligibility within the specified time period shall have their monthly benefit payment suspended. Upon receipt of the required documentation and upon determination of continued eligibility, these and subsequent payments shall be made.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.530 Power of Attorney

a) Any annuitant or beneficiary receiving a monthly benefit through payment to his or her attorney-in-fact acting under a power of attorney shall be required to notify the System in writing that such power of attorney is in full force and effect, when reasonably requested to do so by the System. In default of such notice, payment to the attorney-in-fact shall be suspended until notice is received, whereupon payments will be resumed from the date of the last payment. Certified or original copies of the power of attorney papers are required by the System in order to process any benefits.

b) Each annuitant or member of the System must sign the nomination of beneficiary form. A signature by an attorney-in-fact is not acceptable by the System. If a member or annuitant is not capable of signing the form, he or she may make a mark on the signature line if the mark is witnessed by two individuals who will not receive any benefit under the nomination of beneficiary.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1650.560 Benefits Payable on Death

Survivor benefits, if applicable, shall be paid in accordance with the law in effect on the date of the death. If money is due, no beneficiary named, and no administration of the estate is desired or required, then, upon satisfactory proof of death, the System may make payment through a small estate affidavit. ~~or an affidavit-and-indemnification-agreement.~~ The small estate affidavit is acceptable by the System if the assets of the estate are less than \$50,000 in value. If the assets of the estate are equal to or greater than \$50,000 in value, letters of administration will be required by the System in order to process any death benefits. Whenever death benefits are payable to persons not located, the System shall pay those moneys to the estate or other designated beneficiaries upon receipt of an indemnifying bond.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART H: ADMINISTRATIVE REVIEW

Section 1650.620 Right of Appeal

Any member, beneficiary, annuitant or employer ~~individual~~ may appeal a staff disposition of a claim or interpretation of the Act to the Board of Trustees within six months after the staff disposition or interpretation, by filing a written request for an administrative review with the Executive Director. The appeal will be scheduled to be heard at the next meeting of the Board's Claims Hearing Committee (Committee) having space on the agenda for such hearing. The Committee shall be composed of three members of the Board, elected by the Board to serve on the Committee. The Board shall elect an alternate member from the Board to serve on the Committee in the absence of a member of the Committee. Any member(s) of the Committee may be disqualified from hearing an appeal due to bias or conflict of interest in the appeal.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART IH: AMENDMENT TO BYLAWS AND RULES

Section 1650.710 Amendments

The Bylaws and Rules may be altered or amended by a majority vote of all members of the Board of Trustees provided such alterations or amendments shall not be inconsistent with all provisions of the law, and provided further that notice of any proposed alteration or amendment shall be given each member of the Board of Trustees by the Director at least ten days prior to the regular or

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special meeting at which the amendment is to be considered.

SUBPART J#: RULES OF ORDER

Section 1650.810 Parliamentary Procedure

The rules of parliamentary practice contained in "Robert's Rules of Order," latest edition, shall govern the business before the Board of Trustees provided they are not inconsistent with the Bylaws or Rules of the Board.

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section 1650.910 Summary and Purpose

a) These rules are established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of these rules is to provide public access to public records in the possession of the System while at the same time protect legitimate privacy interests of the System's members and staff and maintain administrative efficiency of the System.

b) These rules create a procedure by which the public may request and obtain public records from the System. Therefore, they are being filed in accordance with Section 5-15 of the Illinois Administrative Procedures Act [5 ILCS 100/5-15].

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.920 Definitions

a) Terms used in these rules shall have the same meaning as in the Freedom of Information Act.

b) "FOIA" means the Freedom of Information Act.

c) "Requestor" means a person who submits a request for public records in accordance with this Subpart.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.930 Submission of Requests

a) FOIA requests shall be submitted to: Office of the General Counsel, Illinois Teachers' Retirement System, P.O. Box 19253, 2815 West Washington, Springfield, Illinois 62794-9253.

b) An envelope containing a FOIA request shall be plainly marked "FOIA REQUEST." Failure to so mark the envelope may delay processing.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.940 Form and Content of FOIA Requests

- a) FOIA requests shall be made in writing.
- b) The requestor shall provide the following information:
- 1) The requestor's name, address and telephone number;
 - 2) A specific description of the public records requested; and
 - 3) Whether the request is for inspection of public records, copies of public records, or both.
- c) A request for copies of public records may also include a request that the records be certified.
- d) Oral requests for public records will be handled expeditiously. However, the provisions contained in FOIA and these rules do not apply to oral requests.
- e) A request not meeting the requirements of these rules may be returned as improperly submitted.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.950 Appeal of a Denial

- a) A requestor whose FOIA request has been denied may appeal the denial to the Executive Director of the System. The notice of appeal shall be made in writing and sent to: Office of the Executive Director, Illinois Teachers' Retirement System, P.O. Box 19253, 2815 West Washington, Springfield, Illinois 62794-9253.
- b) The notice of appeal shall include a copy of the original FOIA request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.
- c) An appeal not meeting the requirements of this Section may be returned to the person making the appeal as improperly filed.
- d) Upon approval of a FOIA request, the System may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- e) A denial of a FOIA request shall be made in writing. It shall state the reasons for the denial and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Executive Director of the System.
- f) Categorical requests creating an undue burden upon the System shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of FOIA [5 ILCS 140/3(f)].
- g) Failure to respond to a written request within seven working days may be considered by the requestor to be denial of the request.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.960 Executive Director's Response to Appeal

The Executive Director shall respond to an appeal within seven working days after receiving notice thereof. The Executive Director shall either affirm the denial or provide access to the requested public records. Failure to respond within seven (7) working days may be considered by the requestor to be an affirmation of the denial.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.970 Response to FOIA Requests

- a) The System shall respond to a FOIA request within seven working days after the receipt of such request.
- b) The System may give notice of an extension of time to respond which does not exceed an additional seven working days. Such an extension is allowable only if written notice is provided within the original seven working day time limit and only for the reasons provided in Section 3(d) of FOIA [5 ILCS 140/3(d)]. Such notice of extension shall state the reasons why the extension is necessary.
- c) The System shall respond to a FOIA request in one of three ways:
- 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.980 Inspection of Records at System Office

- a) Public records which are not FOIA exempt may be inspected at the System's Springfield Office. The person making the request will be notified by the System of the time and place where the records will be available for inspection. Records may be inspected from 8:30 a.m. to 4:30 p.m. on normal working days.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. All copying shall be done by System employees.
- c) An employee of the System may be present throughout the inspection. A requestor may be prohibited from bringing bags, briefcases or other containers into the inspection room.

(Source: Added at 19 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Section 1650.990 Copies of Public Records

- a) Copies of public records shall be provided as set forth in Section 1650.950(d).
- b) Any copying costs shall be assessed as set forth in subsection (d) below.
- c) Charges shall be waived if the requestor is a State agency, a constitutional officer or a member of the General Assembly. Charges may be waived in any other case where the System determines that the waiver serves the public interest.
- d) The following fees shall be assessed for copying costs:
- 1) Cost of copying documents at the System on the System's copying equipment is \$.25 per page;
 - 2) Cost of copying documents through use of an outside printer is the actual charges;
 - 3) Cost of certifying documents is \$1.00 per certification.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.995 Materials Available Under Section 4 of FOIA

The System shall make available to the public for inspection and copying at no charge and shall send through the mail if requested the following materials:

- a) A brief description of the organizational structure and budget of the System; and
- b) A brief description of the means for making a FOIA request, including the fee schedule set forth in Section 1650.990(d).

(Source: Added at 19 Ill. Reg. _____, effective _____)

SUBPART L: BOARD ELECTION PROCEDURES

Section 1650.1000 Nomination of Candidates

- a) Any candidate for a vacant teacher position on the System's Board of Trustees shall be nominated by a written petition signed by not less than 500 individuals who were teachers as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106] as of the 75th day prior to the election day.
- b) Any candidate for a vacant annuitant position on the System's Board of Trustees shall be nominated by a written petition signed by not less than 500 individuals who were annuitants as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1] as of the 75th day prior to the election day.
- c) Petitions may be circulated for signatures by any individual or entity at any time during the school term in which the election is held and

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- prior to the time for filing such petition with the Board's secretary as provided in subsection (b)(5) of Section 1650.1010.
- d) An individual eligible to sign a petition nominating a candidate for a vacant teacher position on the Board may sign petitions for as many candidates as desired.
 - e) An individual eligible to sign a petition nominating a candidate for a vacant annuitant position on the Board may sign petitions for as many candidates as desired.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1010 Petitions

- a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System, upon request of any individual or entity.
- b) A valid petition nominating a candidate for a vacant teacher position or a vacant annuitant position on the System's Board of Trustees shall meet the following requirements:

- 1) The petition must be in writing;
- 2) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate pursuant to subsection (a) or (b) of Section 1650.1000. A valid petition may consist of multiple pages and may contain blank signature lines; however, all valid signatures thereon must be original signatures;
- 3) Each signature of an eligible voter must be accompanied by the signing person's name, street address, city, and state;
- 4) The petition shall bear the notarized signature of the individual who circulated the petition for signatures, verifying that the signatures contained thereon were signed in that individual's presence, are genuine, and that to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so as provided in subsection (a) or (b) of Section 1650.1000;
- 5) Petitions shall be filed with the Board's secretary not less than 90 nor more than 120 days prior to the election day;
- 6) Petitions filed less than 90 days prior to the election day are invalid and will be returned to the party submitting such petition for filing; and
- 7) Petitions filed more than 120 days prior to the election day will not be accepted and will be returned to the party submitting such petition for filing. Nothing in this subsection precludes the timely re-filing of petitions filed more than 120 days prior to the election day.
- c) The Board's secretary shall determine the validity of all petitions not less than 75 days prior to the election day.

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- d) Any individual may, upon reasonable notice to the System, examine the petitions which have been filed with the System with respect to the election to take place that year; provided, however, that in order to protect the signing teachers' and annuitants' rights to privacy and confidentiality as to their names, addresses, and social security numbers, such examination shall only take place subject to the following limitations:

- 1) Petitions may only be examined at the System's offices after the validity of the petitions has been verified by the Board's Secretary as provided above in subsection (c) of this Section;
- 2) Petitions may not be removed from the System's offices, copied, or duplicated by any means; and
- 3) Petitions, including any information thereon, shall not be subject to production or disclosure under the provisions of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140].

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1020 Eligible Voters

- a) An individual is eligible to vote for a vacant teacher position on the Board of Trustees of the System if he or she was a "teacher" as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106] as of March 1 of the year in which the election is held.
- b) An individual is eligible to vote for a vacant annuitant position on the Board of Trustees of the System if he or she was an "annuitant" as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1] as of March 1 of the year in which the election is held.
- c) A person who is eligible to vote for a vacant teacher position pursuant to subsection (a) of this Section is not eligible to vote for a vacant annuitant position.
- d) A person who is eligible to vote for a vacant annuitant position pursuant to subsection (b) of this Section is not eligible to vote for a vacant teacher position.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1030 Election Materials

- a) At least 10 days prior to the election day, the System shall mail to the eligible voter's latest address known to the System the following election materials:
 - 1) A preprinted, perforated ballot/signature card listing, in alphabetical order, either the teacher candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section

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- 1650.1020(a) or (b); and
 - 2) A preprinted, return envelope addressed to the System's Board, perforated with one section marked "For Ballot Only," and the other section marked "For Signature Card Only."
 - b) If an eligible voter has not received any or all of the election materials specified in subsection (a) of this Section prior to the election day, the eligible voter may request that the System send election materials to him or her. Upon such request, the System shall verify that the requesting individual is an eligible voter as provided in Section 1650.1020, and upon such verification shall send the eligible voter a written certification of nonreceipt in the form prescribed by the System. The eligible voter shall complete the certification attesting to nonreceipt of election materials and return it to the System.
 - c) Upon receipt of the certification of nonreceipt provided above in subsection (b) of this Section, the System shall mail election materials to the requesting eligible voter via first class U.S. mail, or if the election is less than one week away, via priority U.S. mail. All requirements imposed by Section 1650.1040 regarding marking of ballots and by Section 1650.1050 regarding return of ballots shall remain applicable.
 - d) If previously mailed election materials are returned to the System undelivered at least one week prior to the election day and a forwarding address has been provided, the System shall mail election materials to the forwarding address via first class U.S. mail.
- (Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1040 Marking of Ballots

A valid ballot must conform to the following requirements:

- a) All choices of candidates must be indicated by a cross mark consisting of two lines which intersect inside the square immediately before the name of the selected candidate. If two lines do not intersect inside the square, the mark is invalid and will not be counted.
- b) Each eligible voter is entitled to only one vote for any particular candidate.
- c) With respect to a ballot containing the names of candidates for a vacant teacher position on the Board, no more than two candidates may be selected. If more than two candidates are selected, the ballot is invalid and will not be counted. If only one candidate is selected, the selection will count as only one vote.
- d) With respect to a ballot containing the names of candidates for a vacant annuitant position on the Board, no more than one candidate may be selected. If more than one candidate is selected, the ballot is invalid and will not be counted; and
- e) Handwritten entries of candidates are invalid and will not be counted.

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(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1050 Return of Ballots

- a) Upon receipt of the election materials specified above in Section 1650.1030, the eligible voter shall:
- 1) Mark his or her ballot in accordance with Section 1650.1040;
 - 2) Write his or her signature and address on the signature card;
 - 3) Detach the completed ballot and signature card along the perforated lines;
 - 4) Place the completed ballot into the perforated section of the return envelope marked "For Ballot Only", without separating the sections of the envelope;
 - 5) Place the completed signature card into the perforated section of the return envelope marked "For Signature Card Only", without separating the sections of the envelope; and
 - 6) Attach postage, seal and mail the unseparated return envelope consisting of both the "For Ballot Only" and the "For Signature Card Only" sections, so as to ensure that it will reach the System at or prior to 10:00 a.m. on the election day.
- b) Ballots must be received at the System via U.S. mail or express delivery service at or prior to 10:00 a.m. on the election day. Ballots received after 10:00 a.m. on the election day are invalid and will not be counted.
- c) All eligible voters must return their ballots to the System individually, either via U.S. mail or express delivery service. Ballots returned to the System in bulk, via hand delivery, or delivery other than as specified in this subsection, are invalid and will not be counted.
- d) Ballots returned in the "For Signature Card Only" section of the perforated envelope are invalid and will not be counted.
- e) Ballots returned with an unsigned signature card, or without a signature card, are invalid and will not be counted.
- f) Ballots returned in any envelope other than the perforated envelope provided by the System are invalid and will not be counted.
- g) The perforated return envelope must not be separated into sections. If the return envelope is separated prior to the System's receipt, the ballot contained therein is invalid and will not be counted.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1060 Observation of Ballot Counting

- a) Each candidate, or any organization or association representing at least 20% of teachers or annuitants of the System, may designate a poll watcher to observe the ballot counting which shall take place on

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NOTICE OF PROPOSED AMENDMENTS

the election day, pursuant to Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165]; provided, however, that each such candidate, organization or association is entitled to no more than two poll watchers. Each such poll watcher shall comply with the following rules:

- 1) The poll watcher may arrive no earlier than 7:45 a.m. on the election day;
 - 2) Upon arrival, the poll watcher shall identify him or herself and the candidate, organization or association which he or she represents. Only individuals whom the System can verify are properly authorized to represent the candidate, organization or association which they purport to represent will be allowed to observe as poll watchers;
 - 3) While on the polling premises, the poll watcher shall at all times wear the tag provided identifying him or her as a poll watcher;
 - 4) The poll watcher is only authorized to be present in the area or areas designated by the election coordinator;
 - 5) The poll watcher shall not move from one authorized location to another or otherwise move about the premises without an escort provided by the election coordinator;
 - 6) The poll watcher's function is limited to visual observation and taking notes, if desired. No challenges or disruptions of any kind to the ballot counting process shall be permitted during the observation of the ballot counting process;
 - 7) The poll watcher shall not speak with any person identified as a canvasser, judge, or data entry personnel in connection with the ballot counting process;
 - 8) The poll watcher may stand behind ballot counting tables and data entry workstations at a reasonable distance; provided, however, that no physical contact with ballots, signature cards, counting tables, data entry equipment, canvassers, judges, or data entry personnel shall be allowed;
 - 9) The poll watcher must leave the premises when all of the ballots have been counted; and
 - 10) Any poll watcher who does not adhere to the rules set forth in this subsection (a) shall forfeit any continued right to observe the ballot counting process and will be asked to leave the premises immediately. If the disruptive conduct continues, the poll watcher will be escorted from the premises.
- b) Any member of the public may observe the ballot counting process only from the area specifically designated by the election coordinator for public observers. Each public observer shall comply with the following rules:
- 1) The observer may arrive no earlier than 8:30 a.m. on the election day;
 - 2) Upon arrival, the observer shall identify him or herself;
 - 3) While on the polling premises, the observer shall at all times

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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wear the tag provided identifying him or her as a public observer;

- 4) The observer is only authorized to be present in the area specifically designated by the election coordinator for public observers;

- 5) The observer shall not move about the premises;

- 6) The observer's function is limited to visual observation and taking notes, if desired. No challenges or disruptions of any kind to the ballot counting process shall be permitted during the observation of the ballot counting process;

- 7) The observer shall not speak with any person identified as a canvasser, judge, or data entry personnel in connection with the ballot counting process;

- 8) No physical contact with ballots, signature cards, counting tables, data entry equipment, canvassers, judges, or data entry personnel shall be allowed;

- 9) The observer must leave the premises when all of the ballots have been counted; and

- 10) Any observer who does not adhere to the rules set forth in this subsection (b) shall forfeit any continued right to observe the ballot counting process and will be asked to leave the premises immediately. If the disruptive conduct continues, the observer will be escorted from the premises.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1070 Certification of Ballot Counting

The System's ballot tabulating program shall be certified in writing by an independent consultant. Such certification shall provide that the System's ballot tabulation process correctly tabulates ballots.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1650.1080 Challenges to Ballot Counting

- a) Any challenge to the ballot counting shall be made in the following manner:

- 1) Only those candidates, organizations or associations which had a poll watcher present during the ballot counting in accordance with Section 1650.1060(a), or a public observer present during the ballot counting in accordance with Section 1650.1060(b), shall have standing to challenge the ballot counting.

- 2) The challenger shall submit to the Board a written statement identifying the specific aspect or aspects of the ballot counting process which are being challenged.

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- 3) All challenges as provided in this Section shall be submitted no later than 7 days after the election day. Any challenge submitted more than 7 days after the election day shall not be considered.

- b) The written statement timely submitted in accordance with subsection (a) of this Section shall be presented and considered by the Board at the next regularly scheduled meeting of the Board. The challenger shall have no right to appear at the Board meeting. The Board shall, in its sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared by the Board in accordance with Section 16-165 of the Illinois Pension Code (40 ILCS 5/16-165).

- c) In the event that election results have already been declared by the Board in accordance with Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165], such election results shall remain valid pending determination of any challenge as provided by this Section.

- d) The Board shall send written notice of its determination to the challenger and all candidates within 30 days after making such determination.

(Source: Added at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Uniform Electric Fuel Adjustment

2) Code Citation: 83 Ill. Adm. Code 425

3) Section Numbers: Adopted Action:

425.10 Amendment

425.30 Amendment

425.50 Amendment

4) Statutory Authority: Implementing Section 9-220 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220 and 10-101].

5) Effective Date of Amendments: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: September 20, 1995

9) Notice of Proposal Published in Illinois Register: October 21, 1994, at 18 Ill. Reg. 15473.

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Difference(s) between proposal and final version:

Section 425.30: In the definition of "S", "or delivered" added after "to be billed".

Section 425.30: In the definition of "S", end sentence after "is being determined" and delete the rest of the original material.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The amendments to Part 425 will allow the utilities the option to prorate the Uniform Fuel Adjustment Charge and provide the flexibility to interpret Factor S, Forecasted KWH sales, as either "to be billed" or "to be delivered". This will allow closer tracking of billed charges to actual charges.

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16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 425
UNIFORM ELECTRIC FUEL ADJUSTMENT

Section	Applicability
425.10	Cost Basis
425.20	Fuel Adjustment Formula
425.30	Interpretation
425.40	Administration
425.50	

AUTHORITY: Implementing Section 9-220 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220 and 10-101].

SOURCE: Adopted at 5 Ill. Reg. 14133, effective December 3, 1981; amended at 7 Ill. Reg. 191, effective December 15, 1982; codified at 7 Ill. Reg. 14505; amended at 9 Ill. Reg. 684, effective January 8, 1985; amended at 13 Ill. Reg. 16730, effective January 1, 1990; amended at 18 Ill. Reg. 17989, effective December 15, 1994; amended at 19 Ill. Reg. 13882, effective OCT 01 1995.

Section 425.10 Applicability

The uniform fuel adjustment charge (FAC) will be applied either to each KWH of energy billed during the effective month or each KWH of energy delivered during the effective month to all service classifications subject to fuel adjustment in the filed rate schedules of all electric public utilities operating in the State of Illinois. The utility shall elect whether a billed or a delivered method shall be used and shall revise its tariffs accordingly, if necessary, under Section 9-201 of the Public Utilities Act.

(Source: Amended at 19 Ill. Reg. 13882, effective OCT 01 1995)

Section 425.30 Fuel Adjustment Formula

The fuel adjustment clause shall be of the following form:

$$FAC = (CF + CPP - CNS) \times 100 - BFC + Ra + Ro + D$$

S

where:

FAC = Fuel adjustment charge per KWH. The amount in cents per KWH, rounded to the nearest .001¢, to be charged for each KWH billed or delivered in the during-any-monthly billing period, in excess of that amount

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included in Base Fuel Costs. The FAC is subject to refunds or increases due to overcollection or undercollection, depending on the results of the automatic reconciliation factor (Ra) and the ordered reconciliation factor (Ro) as defined under Section 425.50 "Administration".

CF = Allowable fuel cost associated with company owned generating plants. Fuel cost shall be interpreted in accordance with Section 425.40 "Interpretation" to include all fossil and nuclear fuel to be consumed in the utility's own plants or in plants owned by wholly-owned subsidiaries of the utility and/or the utility's share of fossil and nuclear fuel to be consumed in jointly owned or leased plants during the period for which the FAC is being determined.

CPP = Allowable energy cost associated with purchased power. Purchased power shall be interpreted to include emergency, contract, and economy purchases. Except for power purchased for economy reasons, only the energy portion of the power to be purchased during the period for which the FAC is being determined is to be included. All other associated charges are specifically excluded. The demand charges for power to be purchased for economy reasons are allowable energy cost.

CNS = Fuel costs associated with sales not subject to FAC. Non-jurisdictional sales, including sales for resale; interdepartmental sales; energy furnished without charge; and other sales not subject to FAC. Such fuel costs shall be assumed to be average fuel costs during the period for which the FAC is being determined except in the case of fuel costs associated with interchange power sales which shall represent the amounts recovered with respect to fuel in such sales, ordinarily the incremental cost of such fuel.

S = Applicable estimated KWH's subject to FAC ~~estimated-to-be delivered-to-ultimate-consumers-during-the-period-for-which-the-FAC is-being-determined~~ and either to be billed or delivered during the period for which the FAC is being determined.

BFC = Base Fuel Cost in cents/KWH.

Ra = Automatic Reconciliation factor in cents/KWH.

Ro = Ordered Reconciliation factor in cents/KWH.

D = Desulfurization fee in cents/KWH.

(Source: Amended at 19 Ill. Reg. 13882, effective OCT 01 1995)

Section 425.50 Administration

- Reporting. Utilities are to report monthly in a format designated by the Commission.
- In conjunction with a docketed reconciliation proceeding, the company shall file with the Commission a statement showing the determination of the reconciliation balance for the reconciliation year. This

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annual reconciliation shall be accompanied by the opinion of the company's outside public accountants on the reconciliation and verified by an officer of the company.

- c) Ordered Reconciliation. Costs and revenues associated with the clause shall be subject to an ordered reconciliation factor (Ro) as required by the Commission.

- d) Automatic Reconciliation. The automatic reconciliation factor (Ra) will consist of the difference between actual allowable costs incurred and FAC recoveries for each month so identified in the second month prior to the billing month. This difference shall be divided by the appropriate kWh's kWhs subject to FAC as provided under "g" in Section 425.30 ~~estimated-to-be-delivered--to--ultimate--customers--during--the billing-period.~~

(Source: Amended at 19 Ill. Reg. 13882, effective OCT 01 1995)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: Adopted Action:
510.90 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8536, June 30, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The statutory citation was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking removes the restriction for entering a claimed horse for less than 25 percent of its claiming price.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-2600.

ILLINOIS RACING BOARD

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NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510

CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse
510.190	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting (Repealed)
510.230	Claiming Authorization
510.240	

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. **13887**, effective **061011995**.

Section 510.190 Entering Claimed Horse

ILLINOIS RACING BOARD

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- a) For a period of 30 days after the claim of a harness horse, it shall not start in a race in which the eligibility price is: ~~1) For thoroughbred--less--than--25-per-cent-more--than--the--price--at--which--it--was--claimed. 2) For-Harness---less less than 10 per cent more than the price at which it was claimed.~~
- b) The day claimed shall not count, but the following calendar day shall be the first day, and the horse shall be entitled to enter whenever necessary so that it may start on the 31st calendar day following the claim for any claiming price. ~~In-thoroughbred-racing--this-provision shall-not-apply-to-starter-handicaps-in-which-the-weight-to-be-carried-is-assigned-by-the-handicapper--~~

(Source: Amended ^{at} 19 Ill. Reg. 13887, effective OCT 01 1995)

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- 1) Heading of the Part: Definitions
- 2) Code Citation: 11 Ill. Adm. Code 210
- 3) Section Number: Adopted Action:
210.10 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8956, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The main source note was corrected. The word "host" was removed from the definition of Downlink.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking amends the definitions of downlink and intertrack wagering facility to add terminology consistent with current legislative changes.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600.

The full text of the adopted amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 210
DEFINITIONS

Section
210.10 Definitions

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 18 Ill. Reg. 2072, effective January 21, 1994; amended at 18 Ill. Reg. 17732, effective November 28, 1994; amended at 19 Ill. Reg. 13891, effective OCT 01 1995.

Section 210.10 Definitions

"Act" - The Illinois Horse Racing Act of 1975.

"Added Money" - The money added by a racing association to the various fees paid by the owners of the horses nominated to, entered in and/or starting in a race.

"Added Money Early Closing Event" - A harness race closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.

"Advanced Wagering" - Any wagering on a race or races to be conducted during a racing program before the next scheduled race.

"Age" - The age of a horse shall be reckoned from the first day of January of the year of foaling except: for foals born in November and December of any year, age shall be reckoned from January 1 of the succeeding year.

"Allowance" - Weights and other conditions of a race.

"Allowance Race" - A race, other than a claiming race, for which certain conditions of eligibility are established.

"Also Eligible" - A horse which has been entered in a race but is not permitted to start unless the number of entrants is reduced by scratches.

"Appeal" - A request for the Board to investigate, consider or review

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any decisions or rulings of the officials of a meeting or the decision of the Board itself.

"Applicant" - A person who applies for an organization or occupation license in a specified category or categories.

"Approximate odds" - The probable ratio of the pay-out price to a \$1 wager in the win pool in a pari-mutuel system.

"Arrears" - All monies owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

"Association" - A person or business entity holding a license from the Board to conduct racing with pari-mutuel wagering.

"Association Grounds" - All areas used by a racing association in conducting a race meeting.

"Authorized Agent" - A person appointed by an owner or trainer in accordance with Board Rules, the appointment to be designated in a document signed by the owner or trainer, approved by the stewards, executed annually and filed with the Illinois Racing Board.

"Battery" - Any battery, buzzer, electrical, or mechanical device or other appliance, except for the ordinary whip, which can be used to stimulate or depress a horse or affect its speed in a race or workout.

"Beneficial Interest" - Profit, benefit or advantage resulting from a contract or an ownership interest in an estate as distinct from legal title or ownership, i.e., an interest as a devisee, legatee or donee solely for his own use or benefit and not as holder of title for use and benefit of another.

"Betting interest" - Horse, entry or field.

"Bleeder" - A horse that is examined by an official veterinarian following a race or workout and sheds blood from one or both nostrils or upon endoscopic examination shows observable amounts of free blood in the respiratory tract.

"Bleeder List" - A tabulation of all bleeders to be maintained by the Board.

"Board" - Illinois Racing Board.

"Bookmaker" - A person who accepts wagers on racers other than through a pari-mutuel machine.

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"Breakage" - The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10¢.

"Breeder" - (Harness) The owner of a horse's dam at the time of breeding; (Thoroughbred) The owner of the horse's dam at the time of foaling.

"Canceled Ticket" - A ticket which represents a wager which has been canceled and withdrawn from the pari-mutuel pools.

"Carryover" - The total amount of non-distributed pool money in a pool which is retained and added to a corresponding pool in accordance with these rules.

"Cashd Ticket" - Any pari-mutuel ticket which is refunded or which is presented for payment of a winning wager and is paid.

"Cashier Accounting" - The record of teller activity by transaction and time of transaction.

"Central Processing Unit" - The main computer which controls and stores both programs and data.

"Civil Penalty" - A penalty imposed on a licensee for a violation of Board rules or the Act.

"Claim" - The act of an eligible owner requesting the stewards to order the sale of a horse in a claiming race to him/her for a predetermined amount; To request a weight allowance; To file a claim in a claiming race; To acquire a horse by claiming.

"Claimant" - A person or racing interest meeting one of the three criteria for claiming eligibility.

"Claim Form" - The form upon which an eligible owner agrees to purchase a horse from a claiming race.

"Claiming Price" - The predetermined price at which a horse in a claiming race must be sold if it is claimed.

"Claiming Race" - A race in which any horse starting may be purchased for a predetermined amount in conformance with the Rules and Regulations.

"Colt" - (Harness) An uncastrated horse under four years of age; (Thoroughbred) An uncastrated horse under five years of age.

"Computer Log Library" - A record of all operator initiated actions of

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the transaction processor.

"Concessionaire" - An individual, firm, partnership, corporation, trustee or legal representative licensed to operate as a concessionaire to sell or provide food, beverages, programs, tip sheets or parking to the public at a race track in Illinois.

"Condition Book" - A booklet published by a thoroughbred racing association which sets out the conditions, purses and descriptions of future races. (Synonym: Condition Sheet)

"Conditioned Race" - An overnight event to which entry eligibility is governed by previously specified qualifications.

"Condition Sheet" - A listing, written by the Racing Secretary, with the conditions a horse must meet in order to enter a particular race.

"Conditions" - Qualifications that determine a horse's eligibility to be entered in a particular race.

"Confirmed Test" - A second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen.

"Console" - The totalizer status monitor which displays current race pool status information.

"Contest" - A competitive racing event on which pari-mutuel wagering is conducted.

"Contestant" - An individual participant in a contest.

"Controlled Substance" - Any substance listed in 21 U.S.C. 812 (21 U.S.C. 812 does not include any later amendments or editions).

"Coupled Entry" - Two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (Also see "Entry")

"Dam" - The female parent.

"Day" - A 24 hour period beginning at 12:01 a.m. and ending at 12:00 midnight.

"Dead Heat" - A race in which two or more horses cross the finish line in a tie.

"Declaration" - (Harness) The process of entering a horse in a particular race. (Thoroughbred) The withdrawal of a horse entered for

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a race after the closing of entries. (Synonym: scratch)

"Decoder" - A device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals.

"Disqualification" - The act of barring a person from acting as an official or from starting or driving a horse in a race. In the case of a horse, the act of barring it from starting or altering its finishing position for betting and purse purposes.

"Disqualify" - To place a horse in a lower position, in the official order of finish in a race, than it actually finished due to an infraction of the rules.

"Downlink" - A receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals and/or data emanating from an organization licensee or track outside Illinois, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the inter-track wagering facility.

"Early Closing Race" - A harness race to which entries close at least six weeks preceding the race.

"Eligible to Race" - Refers to a horse whose trainer: has been granted stall space on association grounds; or has been approved to stable elsewhere and to ship in to race at a specific race meeting.

"Encryption" - The scrambling or other manipulations of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without a decoder.

"Entry" - A horse that has been entered for a race; Two or more horses, owned by the same stable, or by husband and wife, or trained by the same trainer, that are coupled for the purpose of pari-mutuel betting as one betting interest.

"Equipment" - The items worn by or attached to a horse in a race.

"Exclusion" - The act of barring from all or part of association grounds or the grounds under the jurisdiction of the Illinois Racing Board. Unless specified in the ruling, an exclusion is unconditional and encompasses all of the association grounds.

"Exhibition Race" - A race on which no wagering is permitted.

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"Expired Ticket" - An outstanding ticket that was not presented for redemption within the required time period for which it was issued.

"Extended Pari-Mutuel Meeting" - A meeting at which no agricultural fair is in progress, of more than 10 days annually, with pari-mutuel wagering.

"Field" - All the horses that compete in a race; A number of horses grouped together as an entry for the purpose of pari-mutuel betting.

"Filly" - (Thoroughbred) A female horse under five years of age. (Harness) A female horse under four years of age.

"Financial Interest" - An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have financial interests.

"Finish Line" - A real or imaginary line, perpendicular to the race course, that marks the end of a race. (Synonyms: finish wire, wire)

"Flat Race" - A race in which horses mounted by jockeys run over a course on which no obstacles are placed.

"Foreign Substance" - All substances except those which exist naturally in the untreated horse of normal physiological concentrations or substances, or metabolites thereof which are contained in equine feeds or feed supplements but do not contain any pharmacodynamic and/or chemotherapeutic agents, or pharmaceutical aids.

"Foul" - An improper act committed by a jockey or a horse in the running of a race.

"Foul Claim" or "Claim of Foul" - An objection, alleging a foul, made to the stewards or their designee by a driver, jockey, owner or trainer of a horse involved in a race.

"Forfeit" - Money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the Board.

"Futurity" - (Harness) A stakes race in which the dam of the competing animal is nominated either when in foal or during the year of foaling. (Thoroughbred) A stakes race, for horses not older than three years of age, in which nominations are made before the horse becomes a

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three-year old.

"Gelding" - A castrated horse.

"Gender and Number" - Pronouns of one gender include the other; singular words include the plural and vice versa; unless the context clearly indicates otherwise.

"Gimmick Race" - A race on which a form of multiple wagering is conducted, such as Daily Double, Quinella, Exacta, Perfecta, Trifecta, etc.

"Guaranteed Stakes" - A stakes race with a guarantee by the party offering it that the sum paid shall not be less than the amount named (see Stakes Race).

"Guest Association" - An association that offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same or another state.

"Handicap" - (Harness) A race in which starting positions are assigned on the basis of past performance so as to equalize the chance of all horses entered; (Thoroughbred) A race in which the weights carried by the entered horses are assigned by the Handicapper for the purpose of equalizing their respective chances of winning.

"Handicapper" - A person who assigns weights (thoroughbred) or post positions (harness) to horses nominated to a handicap race.

"Handle" - The aggregate dollar amount of all pari-mutuel pools, excluding refundable wagers.

"Heat" - One of two or more installments of a race.

"Horse" - An all encompassing term for any equine of any age, including colt, filly, gelding, ridgeling, mare or stallion; An uncastrated male horse five years of age or older.

"Host Association" - The association conducting a licensed pari-mutuel meeting from which authorized contests or entire programs are simulcast.

"Hypodermic Injection" - Any injection into or under the skin or mucosa, including but not limited to intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, intraocular (intraconjunctival) injection.

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"Ineligible Horse" - A horse not qualified to participate in a specific race under the rules or conditions of that race.

"Ineligible Person" - A person not qualified to participate in specific racing activity under the rules.

"Illinois-Bred Colt or Filly" - A horse sired by a stallion owned by an Illinois resident and standing in the State of Illinois for the season in which the mare was bred.

"Illinois Foaled" - A horse dropped in Illinois.

"Illinois Owned" - A horse owned by a resident of Illinois at the time the horse is declared in to start and at the time of the race.

"Illinois Racing Board" - Whenever the word "Board" is used, it means the "Illinois Racing Board".

"Initial Screening" - A sensitive screening which determines the presence of drugs and their corresponding families.

"Interference" - Any act, which by design or otherwise, and regardless of actual contact, hampers or obstructs any competing horse or horses.

"Intertrack Wagering Facility" - The physical premises, structure and equipment utilized by an intertrack wagering location or intertrack wagering location licensee for the conduct of intertrack wagering or simulcast wagering.

"Inquiry" - An investigation or examination, conducted by the Board or Stewards, into a possible rule violation.

"Issued Ticket" - A wager for which the ticket issuing machine produces a hard copy.

"Jockey" - A rider of a thoroughbred race horse.

"Laboratory" - The Illinois Racing Board Laboratory or an independent testing laboratory contracted by the Board.

"Late Closing Race" - A race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

"Length of Race" - Races shall be run at the stated distance in units not shorter than a sixteenth of a mile.

"Lessee" - A licensed owner whose interest in a horse is by lease

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agreement.

"Licensee" - A person or legal entity that has been issued an occupation license to participate in racing under the jurisdiction of the Board. (Synonym: Occupation licensee)

"Maiden" - (Harness) A horse that has never won a heat or race, at the gait it is entered to start, for that a purse was offered; (Thoroughbred) A horse that has never earned a winner's purse in a flat race at a recognized meeting in any country.

"Maiden Race" - A contest restricted to nonwinners.

"Mare" - (Harness) A female horse four years of age or older; (Thoroughbred) A female horse five years of age or older.

"Match Race" - A race between two horses under conditions agreed to by their owners.

"Matinee Race" - A race with no entrance fee and where the prizes, if any, are other than money.

"Meeting" - The specified period and inclusive dates each year during which an association is authorized to conduct racing by approval of the Board.

"Minor" - Any person under the age of seventeen.

"Minus Pool" - A minus pool occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool.

"Month" - A calendar month.

"Mutuel Field" - Two or more horses in a contest that are treated as a single betting interest for pari-mutuel wagering purposes when the total number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Mutuel Manager" - The racing official designated by the organization licensee to supervise its pari-mutuel department.

"Net Pool" - The amount of gross ticket sales less refundable wagers and statutory commissions.

"Nominator" - The person or entity in whose name a horse is nominated for a race or series of races.

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"Nominee" - A horse nominated to a stakes and/or handicap race.

"Nomination" - The naming of a horse to a stakes and/or handicap race. In a futurity, the naming of a foal in utero to a certain race or series of races, eligibility to which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees and/or starting fees.

"Objection" - A claim of foul lodged with the stewards or their designee by a jockey of a horse in a race immediately after a race and before the race is made official, or a claim of foul lodged with the patrol judge in a starting car, by a driver of a horse in a race, immediately after the race and before the driver dismounts.

"Odds Board" - A large sign-board structure, located in the infield of a race track, upon which the approximate odds are prominently displayed. (Synonym: Tote Board)

"Off Bell" - The bell, operated by the stewards, that signals the locking of ticket-issuing machines; The bell that rings as a race starts.

"Official Order of Finish" - The order of finish of the horses in a contest as declared official by the stewards.

"Official Starter" - The official responsible for dispatching horses to begin a race.

"Official Time" - The elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Official Veterinarian" - A veterinarian employed by the Board or employed by an organization licensee and approved by the Board.

"Off Time" - The moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.

"Off-Track Stabling" - Any farm, any Illinois race track not licensed by the Board in the current calendar year, or any other location designated and approved for the purpose of stabling horses to be raced at a race track under the jurisdiction of the Board.

"Organization Licensee" - Any person or entity receiving an organization license from the Board to conduct a race meeting or meetings.

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"Outstanding Ticket" - An uncashed winning or refundable pari-mutuel ticket that was not redeemed during the performance for which it was issued and that must be cashed within the statutory time limit.

"Overnight Event" - A contest for which entries close at a time set by the racing secretary. (Synonym: Overnight Race, Overnight)

"Owner" - A person or stable that has property rights in a horse or horses, by ownership or lease of a horse or horses.

"Paddock" - The building or enclosure where horses are saddled for a race. A railed enclosure in which the horses are paraded for public view immediately before the post parade.

"Pari-Mutuel Auditor" - An employee of the Board's Pari-Mutuel Audit Unit.

"Pari-Mutuel Audit Unit" - The State Director of Mutuels and the Pari-Mutuel Auditors.

"Pari-Mutuel System" - The manual, electro-mechanical, or computerized system and all software (including the totalizer, account betting system and off-site betting equipment) that is used to record wagers and transmit wagering data.

"Patron" - A member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

"Payoff" - The amount of money payable on winning wagers.

"Person" - Any individual, partnership, corporation or other association or entity.

"Pharmaceutical Aids" - Polyethylene glycol, polyoxyethylene glycol, polyalkylene glycol, polyoxyalkylene glycol, polysorbates, sorbitans and their analogues and derivatives.

"Pool" - Total amount of money wagered upon all horses in a race to finish in a specific position or positions.

"Post" - The place on a race course from which the horses start in a race.

"Post Position" - The pre-assigned positions from which the horses leave the starting gate.

"Post Time" - The scheduled starting time of a contest.

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"Prescription Drugs" - Any chemical substance which is prohibited from being dispensed by any Federal or Illinois law without a valid prescription.

"Prima Facie Evidence" - Evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

"Profit" - The net pool after deduction of the amount wagered on the winners.

"Profit Split" - A division of profit among separate winning betting interests or winning betting combinations resulting in two or more payoff prices.

"Program" - The published listing of all contests and contestants for a specific day's racing. The races of a particular day, considered together.

"Protest" - An objection lodged with the stewards of any infringement of the rules of racing.

"Purse" - The amount of money won by the owner of any competitor in a race.

"Purse Race" - A race for money to which the owners of the competing horses do not contribute.

"Qualifying Race" - A race for the purpose of viewing horses for speed, racing manners and competitiveness in which no purse money is offered and on which no pari-mutuel wagering is conducted.

"Quarter Horse" - A horse registered with the American Quarter Horse Association of Amarillo, Texas.

"Race" - A contest between horses at a licensed meeting for purse, stakes, prize or reward.

"Race Course" - The actual racing surface.

"Race on the Flat" - (see Flat Race)

"Race Track Enclosure" - Association grounds, owned, leased or controlled by the racing association, whether or not enclosed by a fence and including, but not limited to, track parking lots.

"Race Track Operator" - Any person, association or corporation licensed by the Illinois Racing Board to conduct horse racing within Illinois for any stake, purse or reward.

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"Race Meeting" - The period of time, whether for consecutive or nonconsecutive dates, for which an organization license has been issued.

"Racing Association" - Any person, partnership, corporation, or other entity licensed by the Board to conduct a race meeting.
(Synonym: organization licensee or race track operator)

"Racing Day" - Any period beginning at noon included in the period of a race meeting that ends at midnight, unless otherwise provided by statute.

"Racing Interest" - Any individual owner, partnership of owners, or corporation that participates as an owning entity or nominator of a race horse.

"Racing Jurisdiction" - A governmental regulatory body that, by statute or ordinance, regulates pari-mutuel racing.

"Racing Soundness Exam" - The physical examination for racing soundness and health of each horse by an official veterinarian.

"Recognized Meeting" - Any race meeting with regularly scheduled races licensed by and conducted under rules promulgated by a governmental regulatory body, including meetings in foreign countries.

"Record" - The fastest time made by a horse in a race that he won or in a performance against time.

"Refunded Ticket" - A ticket which has been refunded for the value of a wager that is no longer valid (e.g., when a horse has been scratched or the wagering canceled).

"Restricted Area" - An area on the grounds of a racetrack where admission can be obtained only upon presentation of valid credentials. Such areas shall include the stable areas, detention barn, jockey or driver room, paddock, race course and pari-mutuel department.

"Result" - That part of the official order of finish used to determine the pari-mutuel payoff pools for each individual contest.

"Ruled Off" - Synonymous with suspended or excluded.

"Rules" - Regulations promulgated by the Board pursuant to the Horse Racing Act.

"Ruling" - A written decision, determination, and/or order of the stewards.

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"Satellite Transponder" - A leased space segment time of an earth-orbit communication satellite.

"Scoring" - Preliminary warm-ups by horses.

"Scratch" - The withdrawal of a horse from a race after the closing of entries.

"Scratch Time" - The time designated by the racing association as a deadline for an owner or trainer to file a request for a scratch.

"Simulcast" - The live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

"Single Price Pool" - An equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price.

"Stable Name" - The assumed name or nom de course under which a person or stable races horses.

"Stakes" - All the fees paid by subscribers to a stakes race, which may include the nomination, eligibility, supplemental, entry or starting fees or any fee that is required by the conditions of a race.

"Stakes Race" - A race that is closed to nominees more than 72 hours before it is run with a purse that includes all stakes payments in addition to the money added by the racing association.

"Starter" - The racing official whose duty it is to get the horses away to a fair start in a race. Any horse that participates, i.e., starts, in a race.

"Starter Race" - An overnight event, under allowance or handicap conditions, restricted to horses who have previously started for the designated claiming price or less, as stated in the conditions of the race.

"State Director of Mutuels" - The individual representing the Board in the supervision and verification of the pari-mutuel wagering pool totals for each racing day.

"Steeplechase Race" - A contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

"Steward" - Duly appointed top official at a race track with the power to fine, suspend, and rule off persons licensed in racing.

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"Stewards' Stand" - The room, generally located on the roof of a racetrack grandstand or clubhouse, from which the state stewards and association stewards observe the running of races.

"Subscription" - The nomination or entry of a horse in a stakes race.

"Sulky" - A dual-shaft, dual wheel racing vehicle.

"Suspension" - A penalty in which the rights and privileges of a licensee are withdrawn for a specified period of time. An occupation license whose license is suspended is prohibited from engaging in any licensed occupation and is excluded from all grounds under the jurisdiction of the Board, unless otherwise specified in the ruling or order (example: suspended from riding or driving).

"Sweepstakes" - A race where the owners of horses entered or engaged for the race contribute to a purse to which money or any other prize may be added, and nominations to which close 72 hours or more before starting.

"Takeout" - The total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

"Test Level" - The concentration of a foreign substance found in a test sample.

"Test Sample" - Any substance, including but not limited to, blood or urine taken from a horse or licensee for the purpose of testing for foreign or controlled substances.

"Threshold Level" - The concentration of a foreign substance found in a test sample.

"Ticket Issuing Machine" - A machine which prints hard copies of wagers.

"Totalizator" - An electronic device that automatically registers the wagers made on each horse or pool and prints or issues a ticket representing each such wager or wagers.

"Totalizator System Licensee" - Any person, corporation, company, association or any other entity which sells, leases, or operates totalizator equipment and is licensed by the Board.

"Tote Room" - The room at a race track in which the totalizator system's computer is housed.

"Tout" - Someone who furnishes information concerning selection of a

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horse for wagering purposes, or predicts the outcome of a race for wagering purposes, in exchange for a consideration.

"Trial Race" - Part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.

"Uplink" - An earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals and/or data on FCC-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink.

"Utilities" - Programs that are provided by computer vendors to perform tasks such as duplication of program tapes, modification of master files, and access to passwords.

"Validation" - The act or process by which the Board's licensing office at a race meeting stamps or otherwise marks the licensee's identification card, thereby allowing the licensee access to restricted areas during a specific race meeting.

"Vendor" - A seller of feed, medication, stable supplies, or other merchandise in restricted areas.

"Veterinarian" - A veterinary practitioner licensed as such by the Illinois Department of Professional Regulation.

"Walkover" - An event in which all horses but one in a race are withdrawn, leaving that horse to walk the prescribed course at the distance of the race. A walkover may be between two or more horses if they belong to a single interest.

"Week" - A calendar week.

"Weigh-In" - The presentation of a jockey to the Clerk of Scales for weighing after a race.

"Weight-Out" - The presentation of a jockey to the Clerk of Scales for weighing prior to a race.

"Weight for Age" - A race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

"Winner" - The horse whose nose reaches the finish line first. If there is a dead heat for first, those horses shall be considered winners.

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"Wire" - See Finish line.

"Year" - A calendar year.

(Source: Amended at 19 Ill. Reg. 13891, effective
OCT 01 1995)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Double Trifecta Wagering Pool

2) Code Citation: 11 Ill. Adm. Code 439

3) Section Number: Adopted Action:

439.10	Repealed
439.30	Repealed
439.40	Repealed
439.50	Repealed
439.60	Repealed
439.70	Repealed
439.80	Repealed
439.100	Repealed
439.110	Repealed
439.120	Repealed
439.130	Repealed

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: September 21, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8975, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking repeals the Double Trifecta wager.

16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Identification of Horses
- 2) Code Citation: 11 Ill. Adm. Code 1307
- 3) Section Number: 1307.80 Adopted Action: Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8540, June 30, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: In the Table of Contents and in the Section Title "or Freeze Branding" was added after "Lip Tattooing". The Statutory Citation was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking recognizes an alternative method of horse identification. Freeze branding is the practice of affixing the horse's registration number to the neck of the horse.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1307

IDENTIFICATION OF HORSES

Section

- 1307.10 Bonafide Owner or Lessee
- 1307.30 Failure to Furnish Reliable Program Information
- 1307.40 Inaccurate Information
- 1307.50 Check on Identity of Horse
- 1307.60 False Chart Lines
- 1307.70 Frivolous Demands
- 1307.80 Lip Tattooing or Freeze Branding
- 1307.90 Changes in Ownership

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10929; emergency amendment at 19 Ill. Reg. 8809, effective June 15, 1995 for a maximum of 150 days; amended at 19 Ill. Reg. 13911, effective OCT 01 1995.

Section 1307.80 Lip Tattooing or Freeze Branding

No horse shall ~~will~~ be permitted to start in a race ~~at an extended pari-mutuel meeting unless it~~ he has been lip tattooed ~~on his lip with his identification number~~ or freeze branded with an identifying number. The stewards may allow a horse to race once without a tattoo or freeze brand. Thereafter, the horse must be tattooed or freeze branded or the trainer must show evidence that arrangements have been made to comply with this provision ~~stewards must be shown evidence that arrangements have been made to have the horse tattooed. Such horse may then race if the stewards are satisfied with the arrangements for having the horse tattooed.~~ If satisfactory evidence is presented to the stewards, the horse may be permitted to race.

(Source: Amended at 19 Ill. Reg. 13911, effective OCT 01 1995)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Inter-Track Wagering Facilities

2) Code Citation: 11 Ill. Adm. Code 435

<u>Section Number:</u>	<u>Adopted Action:</u>
435.10	Repealed
435.60	Repealed
435.70	Repealed
435.80	Repealed
435.90	Repealed
435.100	Repealed
435.140	Repealed
435.150	Repealed
435.160	Repealed

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: September 21, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8981, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: The statutory citation was corrected.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking repeals Sections involving pari-mutuel wagering and simulcasting requirements from this Part. Proposed rules for pari-mutuel wagering and simulcasting can be found in Parts 300 and 322.

16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Gina DiCaro
Illinois Racing Board, Legal Department,
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 435

INTER-TRACK WAGERING FACILITIES

- Section 435.10 Definitions (Repealed)
- 435.20 Application for Inter-Track Wagering License
- 435.30 Board Approval of an Application
- 435.40 Penalties and Conditions
- 435.50 Board Office
- 435.60 Simulcast Requirements (Repealed)
- 435.70 Audio Transmission (Repealed)
- 435.80 Inter-Track Wagering Pools (Repealed)
- 435.90 Announcing the Close of Wagering (Repealed)
- 435.100 Pari-Mutuel Wagering (Repealed)
- 435.110 Licensing of Employees
- 435.120 Concessionaire License
- 435.130 Prohibited Practices by Employees
- 435.140 Customer Relations (Repealed)
- 435.150 Duties of Organization Licensee (Repealed)
- 435.160 Duties of Inter-Track Wagering Facility (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6805, effective March 23, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 11235, effective June 20, 1988; amended at 16 Ill. Reg. 13073, effective August 10, 1992; amended at 19 Ill. Reg. 13914, effective OCT 01 1995.

Section 435.10 Definitions (Repealed)

"Decoder" means a device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals.

"Downlink" means a receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals and/or data emanating from an organization licensee and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the inter-track wagering facility.

"Encryption" means encrypted or encoded means the scrambling or other

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manipulation of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without a decoder.

"Inter-track wagering facility" means the physical premises, structure and equipment utilized by an inter-track wagering location or inter-track wagering location licensee for the conduct of inter-track wagering. The inter-track wagering facility shall include but not be limited to the following: television display units, a display system for racing performance odds and payout prices, areas for viewing and seating, a food and beverage facility, and any other conveniences regularly provided at its Illinois racetrack.

"Satellite transponder" or "transponder" means leased space segment time of an earth-orbit communication satellite.

"Simulcast" means live audio-visual electronic signals emanating from a licensed horse racing meeting and transmitted simultaneously with the running of the races at that meeting. These terms shall also include the transmission of pari-mutuel wagering odds, amounts wagered and payouts on such events.

"Uplink" means an earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals and/or data on a controlled frequency and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink.

(Source: Repealed at 19 Ill. Reg. 13914, effective OCT 01 1995)

Section 435.60 Simulcast Requirements (Repealed)

- a) The organization licensee conducting the horse race upon which inter-track wagering is being conducted is responsible for the content of its simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of its racing program.
- b) Every simulcast shall be encrypted using a time displacement decoding algorithm encryption system.
- c) Every simulcast will contain in its video content a digital display of the actual time of day, the name of the race track from where it emanates, and the number of the race being displayed, a periodic display of wagering information, and continuity programming between horse racing events.

(Source: Repealed at 19 Ill. Reg. 13914, effective

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Section 435.70 Audio Transmission (Repealed)

In the event that the simulcast of the racing program is interrupted temporarily, the transmission of only the audio description of the racing program to the inter-track wagering facility may be continued until such temporary interruption can be corrected, provided the Board or its designee has given advance approval in accordance with Section 435.39.

(Source: Repealed at 19 Ill. Reg. 13914, effective OCT 01 1995)

Section 435.80 Inter-Track Wagering Pools (Repealed)

The wagering pools offered by the licensee of the inter-track wagering facility shall be combined with those wagers placed at the organization licensee so as to produce a combined common pari-mutuel betting pool for the purpose of calculating price. Each inter-track wagering licensee or inter-track wagering location licensee shall be solely responsible for conducting its own wagering pool and for making all payoffs.

(Source: Repealed at 19 Ill. Reg. 13914, effective OCT 01 1995)

Section 435.90 Announcing the Close of Wagering (Repealed)

The stop betting command shall be noted by the ringing of the off-bell at the inter-track wagering facility.

(Source: Repealed at 19 Ill. Reg. 13914, effective OCT 01 1995)

Section 435.100 Pari-Mutuel Wagering (Repealed)

All pari-mutuel wagering at an inter-track wagering facility shall be conducted in accordance with the Illinois Administrative Code, 195, part-mutuel tickets utilized at inter-track wagering location licensee facilities shall be distinct from those pari-mutuel tickets utilized by inter-track wagering licensee facilities or by organization licensees. The form of the ticket utilized shall be approved by the Board or its designee prior to the operation of the inter-track wagering facility; it meets this standard.

(Source: Repealed at 19 Ill. Reg. 13914, effective OCT 01 1995)

Section 435.140 Customer Relations (Repealed)

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Each licensee of an inter-track wagering facility shall have on duty during all times the facility is open to the public a customer relations employee.

(Source: Repealed at 19 Ill. Reg. 13914, effective OCT 01 1995)

Section 435.150 Duties of Organization Licensee (Repealed)

An organization licensee shall provide:

a) An uplink system which shall not interfere with the closed circuit television system utilized by the racing association for officiating and on-track patron information;

b) An uplink consisting of a Ku/G-band transmit/receive antenna compliant with the reflector feed; Ku/G-band transmit/receive antenna contained at "Antenna P/G" or two degree beam width regulation contained at "Antenna Performance Standards" (47-CFR-25.209-1987); Ku/G-band transmitters; microwave or fiber optic link or other means of video communications; switching unit; TV color monitors; video tape recorder; encryption system and controlling computer terminals; all to be of network broadcast quality and meet applicable P/G-E regulations contained at "Satellite Communications" (47-CFR-25-1987); and "Radio Broadcast Services" (47-CFR-73-1987);

c) A transponder;

d) A part-mutuel terminal; part-mutuel odds display; modems; and/or switching units at the organization licensee enabling pari-mutuel data transmissions and data communication to and from the totalizer utilized by the inter-track wagering facility;

e) A voice communication system between each inter-track wagering facility and the organization licensee providing direct voice contact between the stewards and pari-mutuel departments;

f) A video record of all simulcasts in decoded form and a copy of such record on either a 1/2" or 3/4" video cassette when requested by the Board;

g) Not less than thirty (30) minutes prior to the commencement of transmission of the racing program for each day or night a test program of its transmitter encryption and decoding and data communication to assure proper operation of the system;

h) At the request of the any representative of the Board a listing of all locations able to receive the simulcast in decoded form;

i) Such security controls over its uplink and communications system as directed by the Board consistent with Section 264(h)(3) of the Act;

j) A report of its part-mutuel operations at the inter-track wagering facility not more than 90 days following the conclusion of each race meeting conducted by a contracting organization licensee and its business records for examination by the Board at its request;

k) An annual report of its simulcast operations and an audited financial statement.

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(Source: Repealed at 19 Ill. Reg. 13914, effective OCT 01 1995)

Section 435.160 Duties of Inter-Track Wagering Facility (Repealed)

An inter-track wagering facility shall provide:

- a) A downlink system which shall not interfere with the closed circuit television system utilized by the inter-track wagering facility for officiating and inter-track patron information;
- b) A downlink consisting of Ku/Ka band earth station with steerable reflector feed, Ku/Ka band receive antenna compliant with the P-R-G two degree beam width regulation contained at "Antenna Performance Standards" (47-CFR-25.209-(1987)) Ku/Ka band receivers microwave or fiber optic link or other means of video communications switching unit, 4U color monitors, video tape recorders, description system and controlling computer terminals, all to be of network broadcast quality and meet applicable P-R-G regulations contained at "Satellite Communications" (47-CFR-25-(1987)) and "Radio Broadcast Services" (47-CFR-73-(1987));
- c) Part mutual terminal, part mutual odds display, modems, and/or switching units at the inter-track wagering facility enabling part mutual data transmissions and data communication to and from the totalizer utilized by the organization licensee;
- d) A voice communication system between each inter-track wagering facility and the organization licensee providing direct voice contact between the stewards and part mutual department;
- e) A video record of all simulcasts in decoded form and a copy of such record on either a 1/2" or 3/4" video cassette when requested by the Board;
- f) Not less than thirty (30) minutes prior to the commencement of transmission of the racing program for each day or night, a test program of its receiver, description and decoding and data communication to assure proper operation of the system;
- g) A separate outstanding ticket liability account must be maintained if the totalizer system utilized by the inter-track wagering facility is independent from that of the organization licensee;
- h) Such security controls over its downlink and communications system as directed by the Board consistent with Section 26(h)(3) of the Act;
- i) It shall be the responsibility of the inter-track wagering facility to comply with the Board emergency stop betting procedures;
- j) A report of its part mutual operations not more than 90 days following the conclusion of each race meeting conducted by contracting organization licensee and its business records for examination by the Board at its request; and
- k) An annual report of its simulcast operations and an audited financial statement.

(Source: Repealed at 19 Ill. Reg. 13914, effective

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NOTICE OF ADOPTED AMENDMENT(S)

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NOTICE OF ADOPTED RULES

1) Heading of the Part: Interstate Common Pools

2) Code Citation: 11 Ill. Adm. Code 302

3) Section Number: Adopted Action:

302.10

New Section

302.20

New Section

302.30

New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: September 21, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8542,
June 30, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: The Statutory Citation and main source note were corrected. In Section 300.20 (a), (b), (c), (d) and (e) the word "host" was removed. In Section 300.20(d) the phrase "its official program" was changed to "their official program".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking establishes provisions for commingling of wagering pools with other jurisdictions.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 302

INTERSTATE COMMON POOLS

Section

302.10 General

302.20 Illinois as the Guest State

302.30 Illinois as the Host State

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 8002, effective June 5, 1995, for a maximum of 150 days; adopted at 19 Ill. Reg. **13922**, effective October 1, 1995.

Section 302.10 General

- a) All executed contracts governing participation in interstate common pools shall be submitted to the Board.
- b) Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.
- c) Any surcharges or withholding in addition to the takeout shall only be applied in the jurisdiction imposing such surcharges or withholdings.

Section 302.20 Illinois as the Guest State

- a) Pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state, or with corresponding pools established by one or more other jurisdictions.
- b) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, all Illinois pool data shall be transmitted by the organization licensee as one pool irrespective of the number of totalizator services involved.
- c) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, all rules in effect in the host state shall apply.
- d) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, if for any reason it becomes impossible to successfully merge all Illinois wagers into the interstate common pool, the organization licensee shall calculate prices and make payoffs based on Illinois handle rather than issuing refunds or making payoffs based on the sending race track's prices.

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All Illinois licensees shall publish a copy of this subsection in their official programs.

- e) In the event that an organization licensee commingles Illinois pools with the pools of an out-of-state track, where takeout rates in the common pool are not identical to the takeout rate applicable in Illinois, the Illinois organization licensee may adopt the takeout rate of the sending state or utilize the net price calculation method.
- f) An interstate commission fee shall exceed 5% only for Grade I thoroughbred races and only for harness races with purses exceeding \$200,000.
- g) All Illinois licensees shall provide the Board with pari-mutuel data by way of electronic transmission in a Board prescribed format.

Section 302.30 Illinois as Host Track

- a) With the approval of the Board, an organization licensee may offer one or more of its pari-mutuel races to guest facilities in other states and participate in a common pool.
- b) Where takeout rates in the common pool are not identical, the net price calculation may be utilized.
- c) Illinois pari-mutuel rules shall apply.
- d) If for any reason it becomes impossible to successfully merge pool data into the interstate common pool of the organization licensee, or a Board representative determines that attempting to effect transfer of pool data from the guest state may endanger the organization licensee's wagering pool, or cause an unreasonable delay of the racing program, the Board's pari-mutuel auditor shall determine under the circumstances whether to manually merge guest pools, exclude guest pools or delay the Illinois program.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 509
- 3) Section Number: Adopted Action:
509.95 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8546, June 30, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The statutory citation and the main source note were corrected. Section 509.95(a) changed "It is recognized that there are horses which" to "The Board recognizes that there are horses that"; comma was added after "which"; comma was added after "treatment"; "which" was deleted; comma was added after "exercise"; comma was added after "nostrils". Section 509.95(b) changed "tall" to "stall". Section 509.95(c) original language replaced with "Horses on the official bleeder list must be treated with furosemide (Lasix) in the manner specified by subsection (i) of this Section." Section 509.95(e) added comma after "entered". Section 509.95(h) was relabeled. The word "lasix" in Sections 509.95(h)(4) and (i)(1) and (2) was changed to "furosemide". The word "state" was changed to "State" in Section 509.95(h)(3). Section 509.95(j)(6) the phrase "The rules contained in this" was changed to "This".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? Yes

- 14) Are there any other proposed amendments pending in this Part? No

- 15) Summary and purpose of rules: This rulemaking establishes provisions for the administration of furosemide (Lasix).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 509
MEDICATION

Section	Purpose
509.10	Definitions
509.20	Racing Soundness Exam
509.30	Foreign Substance Banned
509.40	Twenty-four Hour Ban
509.50	Unlawful Administration
509.60	Knowing Entry of Medicated Horse Prohibited
509.70	Pharmaceutical Aids Banned
509.75	Additions to Permitted List
509.80	Permitted Use of Foreign Substances: Threshold Levels
509.90	Furosemide
509.95	Possession of Needles and Injectables Prohibited
509.100	Prescription Items - Animal Use
509.110	Possession of Drugs and Chemicals
509.120	Human Use of Substances and Hypodermic Syringes or Needles (Repealed)
509.130	Detention Barn
509.140	Test Samples
509.150	Referee Samples
509.160	Laboratory Reports and Findings
509.170	Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing (Repealed)
509.175	Pre-Race Testing (Repealed)
509.180	Distribution of Purses
509.190	Procedures, Purses, Retention of Samples
509.195	Stewards' Action on Laboratory Reports Under Pre-Race Testing (Repealed)
509.200	Trainer Responsibility
509.210	Prima Facie Evidence
509.220	Bleeders (Repealed)
509.230	Post Mortems
509.240	Penalties - Violation (Repealed)
509.250	Penalties - Failure to Guard Cases (Repealed)
509.260	Penalties - Violation of Excessive Use of Phenylbutazone (Repealed)
509.265	Penalties - Violations of Pharmaceutical Aids (Repealed)
509.270	Other Penalties
509.280	Veterinarian's Records
509.290	Offenses Occurring Prior to the Effective Date of the Rules

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (230 ILCS 5).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 5 Ill. Reg. 4599, effective April 17, 1981; codified at 5 Ill. Reg. 10908; amended at 7 Ill. Reg. 1429, effective January 24, 1983; amended at 7 Ill. Reg. 15869, effective November 10, 1983; emergency amendment at 7 Ill. Reg. 16191, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6094, effective April 19, 1984; amended at 8 Ill. Reg. 7002, effective May 7, 1984; amended at 11 Ill. Reg. 14424, effective August 14, 1987; amended at 11 Ill. Reg. 15492, effective September 3, 1987; amended at 14 Ill. Reg. 8186, effective May 15, 1990; amended at 14 Ill. Reg. 20045, effective December 4, 1990; amended at 15 Ill. Reg. 11989, effective August 12, 1991; amended at 17 Ill. Reg. 3649, effective March 4, 1993; amended at 18 Ill. Reg. 2095, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 6019, effective April 1, 1994, for a maximum of 150 days; modified at 18 Ill. Reg. 9654; amended at 18 Ill. Reg. 7428, effective May 8, 1994; amended at 18 Ill. Reg. 15446, effective September 30, 1994; amended at 19 Ill. Reg. 2466, effective February 15, 1995; emergency amendment at 19 Ill. Reg. 8005, effective June 5, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13926, effective 001 01 1995.

Section 509.95 Furosemide

a) The Board recognizes that there are horses that exhibit symptoms of epistaxis or respiratory tract hemorrhage which, with proper treatment, are sound and able to compete in races. A horse, which during the race or following the race, or during exercise or following such exercise, is found to be shedding blood from one or both nostrils, or is found to have bled internally, is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the horse trainer or veterinarian must obtain a certificate of examination from one of the State veterinarians or other documentation, as prescribed in this Section, and have the horse placed on the official bleeder list. One of the State veterinarians must, by examination or in consultation with the practicing veterinarian, establish that the horse did in fact shed free blood from one or both nostrils or that an endoscopic examination of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by one of the State veterinarians, the horse, regardless of age, shall be placed on the bleeder list which shall be maintained by one of the State veterinarians. Once on the list, a horse shall be removed from the bleeder list only upon the direction of one of the State veterinarians, who must certify in writing to the Board his recommendation for removal of the horse from the list.

b) Once a horse is placed on the bleeder list, that horse must be assigned to a stall in a facility designated by the Board as a security area, at a time to be determined by the Board prior to the scheduled post time for any race in which it is entered. The security stall shall be assigned by the Racing Secretary. Once placed in the

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security stall, a horse must remain there until it is taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the security stall to engage in exercise blow-outs or warm-up heats.

c) Horses on the official bleeder list must be treated with furosemide (Lasix) in the manner specified by subsection (i) of this Section.

d) If directed by a Board representative, immediately prior to treatment and as a condition for approval, the horse trainer must direct the practicing veterinarian to, in the presence of a uniformed security guard, take a blood sample from the horse in the presence of a Board representative, which may be delivered to the Board's testing laboratory for analysis.

e) Any horse on the bleeder list which is not stabled on the actual grounds of the racing facility where it is to race, and which is stabled off the grounds at an auxiliary stabling area or at some other approved location, must be brought on to the grounds of the racing facility where it is scheduled to compete at least 6 hours prior to the post time for the race for which it is entered, unless one of the State veterinarians authorizes a later arrival. Such a horse arriving at the racing facility will be placed in a security stall assigned by the Racing Secretary.

f) Every horse entered to race shall be placed in a security area as designated by the Board. The Board, in designating a security area, shall not require that a horse be placed in a barn or stall other than the barn or stall assigned to that horse by the Racing Secretary. The barn or stall shall be posted as a security area. The trainer of record shall be responsible for the security of the horse and barn or stall area. The security area shall be under the supervision of the Illinois Racing Board. No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State veterinarians, the stewards, or a board investigator.

g) The provisions of this Section and the treatment authorized herein shall apply to and be available only for horses entered in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07].

h) Procedure

1) If the state or association veterinarian determines that a horse is a bleeder, he shall issue a certificate of examination and enter the horse's name and tattoo number on the bleeder list. The trainer shall affix the certificate of examination to the horse's foal papers or eligibility papers. A trainer who plans to race a bleeder shall indicate on the entry form that the horse races with furosemide.

2) The state veterinarian or his designee shall authorize a horse which has bled in another state to race on furosemide upon presentation by the trainer of:

A) written certification from a state or association

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veterinarian in another state that a properly identified horse has bled in that state; or

B) publication in the official charts that the named horse bled following a race at a race track in that state.

3) If the certification described in subsection (b) (a)(2)(A) above is not available at the time the named horse is entered to race:

A) the stewards may allow the horse to race as a bleeder in that one race in which it is entered only.

B) within ten days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state that the horse has bled in that state, or a statement in an official chart that the named horse bled following a race in that state.

C) any purse earned by the horse in the race shall be held during the ten day period.

D) if the trainer fails to produce the certification described in subsection (b) (a)(3)(B) above, the stewards shall impose a fine and/or suspend the trainer's license and shall redistribute the amount of any purse earned by the horse.

4) If a horse has been denominated a bleeder, it shall remain on the bleeder list and be administered furosemide prior to its races regardless of change of owner or trainer. Once on the bleeder list a horse shall be removed from the list only upon the direction of the state veterinarian who shall certify in writing to the Board his recommendation for removal of the horse from the list.

i) Administration

1) If a horse has been placed on the bleeder list, it shall be brought to a facility for furosemide ~~test~~ administration not less than four hours and 15 minutes prior to post time of the race in which it is entered. The facility for furosemide ~~test~~ administration shall be provided by the racing association which shall also provide security for the facility.

2) A licensed veterinarian shall administer 250 mgr of furosemide intravenously to the bleeder in the presence of the state veterinarian or his designee.

3) The trainer, or his licensed employee, shall witness the administration. Following the administration of furosemide ~~test~~, the trainer of record or his designee shall immediately return the horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with 11. Adm. Code 436.05(c).

j) Bleeders

1) The bleeder list for the race meeting shall be posted in the racing secretary's office and in the State ~~state~~ veterinarian's office at each race meeting.

2) The first time a horse bleeds, it shall be ineligible to race for 19 days irrespective of the date of entry.

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- 3) A horse which bleeds for the second time in any 12-month period shall be barred from racing in Illinois for a minimum of 60 days.
- 4) A horse which bleeds for the third time in any 12-month period shall be barred from racing in Illinois for a minimum of 120 days.
- 5) After the expiration of any of the above-mentioned periods, no horse may again start until it has been approved by the State state veterinarian.
- 6) ~~This the rules--contained--in--this~~ Section shall also apply to horses shipped in from other racing jurisdictions which have established different time restrictions.

(Source: Amended Oct 01 1995 at 19 Ill. Reg. 13926, effective)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Over/Under Rules
- 2) Code Citation: 11 Ill. Adm. Code 419
- 3) Section Number: Adopted Action:

419.10	Repealed
419.30	Repealed
419.40	Repealed
419.50	Repealed
419.60	Repealed
419.70	Repealed
419.80	Repealed
419.100	Repealed
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8989, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals the Over/Under wager.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board

ILLINOIS RACING BOARD
NOTICE OF ADOPTED REPEALER

Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 300
- 3) Section Number: Adopted Action:

300.10	New Section
300.20	New Section
300.30	New Section
300.40	New Section
300.50	New Section
300.60	New Section
300.70	New Section
300.80	New Section
300.90	New Section
300.100	New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: September 21, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9002, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: Corrected the Statutory Citation. In Section 300.10(h) changed "the" to "its"; removed "center" and parentheses from "hub"; added "(host)"; changed "hosts" to "conducts". In Section 300.50(a) and (b) added "live". In Section 300.70(b) added a comma; changed "said" to "the" in both sentences. In Section 300.90(b) removed "organization licensee's share of the pari-mutuel". In Section 300.90(c) added "and winnings from wagers"; removed "at organization licensee facilities". In Section 300.100(a)(1) through (5) replaced first notice language with current language. In Section 300.100(b) changed "The" to "All"; removed "organization"; changed "was" to "is".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

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- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: These rule outline pari-mutuel wagering. These rules incorporate the Association of Racing Commissioners International model rules for wagering, and include rules describing wagering, scratches, and entries.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
 Illinois Racing Board
 Legal Department
 100 West Randolph
 Suite 11-100
 Chicago, Illinois 60601
 (312) 814-2600.

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

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TITLE 11: LOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 300
 PARI-MUTUELS

Section	
300.10	General
300.20	Records
300.30	Pari-Mutuel Tickets
300.40	Pari-Mutuel Wagers
300.50	Pari-Mutuel Races
300.60	Advanced Wagering
300.70	Scratches or Non-Starter
300.80	Pools Dependent Upon Betting Interests
300.90	Minimum Payoff
300.100	Pari-Mutuel Complaints

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 13935, effective

Section 300.10 General

- a) No person shall wager after the start of a race.
- b) Each licensee shall provide an information window. A complete and current Board rulebook shall be available for public inspection during racing hours at each information window.
- c) No licensee shall permit any minor to purchase or cash pari-mutuel tickets. Minors shall be prohibited from all mutuel windows.
- d) Each mutuel department employee shall wear on his/her person, in plain view, a name badge.
- e) A summary explanation of pari-mutuel wagering shall be published in the official program for each race program. The official Board rules relative to each type of pari-mutuel pool offered shall be published in the official program on each day that type of pool is offered.
- f) Unless expressly noted within specific wagering pool rules, refunds shall be granted on all valid wagers when a race is canceled or declared "no contest".
- g) The host track and/or organization licensee shall be responsible for the closing of wagering on each contest after which time no pari-mutuel wagers shall be accepted for that contest. Each licensed facility not utilizing the host track's totalizator vendor shall be

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- responsible for the close of wagering at its own facility.
- h) The host track and/or organization licensee shall have a qualified individual representing its pari-mutuel department at its totalizator computer system hub (host) at all times it conducts the pari-mutuel system of wagering.
 - i) The organization licensee and/or Illinois host track shall provide, electronically within 24 hours, a summary of pari-mutuel operations report, in a format prescribed by the State Director of Mutuels, to the Board as the original record of wagering activities on that race program.

Section 300.20 Records

Each licensee shall maintain records of all wagering including the opening line, subsequent odds fluctuation, the amounts wagered on each betting interest and such other information as may be required. Such records shall be delivered to the Board upon request.

Section 300.30 Pari-Mutuel Tickets

- a) A valid pari-mutuel ticket shall contain the following imprinted information:
 - 1) the name of the organization or track conducting the races;
 - 2) the name of the licensee issuing the ticket;
 - 3) the name of the Illinois host track;
 - 4) a unique identifying number or code;
 - 5) identification of the terminal at which the ticket was issued;
 - 6) a designation of the performance for which the wagering transaction was issued;
 - 7) the contest number for which the pool is conducted;
 - 8) the type or types of wagers represented;
 - 9) the number or numbers representing the betting interests for which the wager is recorded; and
 - 10) the amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.
- b) To prevent re-entry in the pari-mutuel system for duplicate cashing, each cashed or refunded ticket shall be marked to indicate that it has been cashed or refunded. The manner in which cashed or refunded tickets are marked shall not destroy the identity of the ticket.
- c) No claims for lost pari-mutuel tickets shall be considered. Mutilated or altered pari-mutuel tickets shall not be accepted for payment.

Section 300.40 Pari-Mutuel Wagers

- a) The minimum pari-mutuel wager for win, place or show shall be \$2, unless otherwise approved by the Board. The minimum pari-mutuel wager for all other pools shall not exceed \$3, nor be less than \$1, unless otherwise approved by the Board.

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- b) All organization, intertrack and intertrack wagering location licensees shall offer the same types of pari-mutuel pools and minimum pari-mutuel prices at both manned and unmanned terminals, unless specifically restricted by Board rule (e.g., tickets may not be exchanged at unmanned ticket issuing machines).
- c) All intertrack wagering facilities shall establish and maintain minimum purchase prices of pari-mutuel wagers that are the same as those offered by the organization licensee providing the simulcast.
- d) All intertrack wagering facilities shall offer the same pari-mutuel pools as offered by the organization providing the simulcast.

Section 300.50 Pari-Mutuel Races

- a) Wagering shall be prohibited on more than 11 live harness races during the course of a single racing program, unless permission to wager on additional races has been granted by the Board.
- b) Wagering shall be prohibited on more than 10 live thoroughbred races during the course of a single racing program, unless permission to wager on additional races has been granted by the Board.

Section 300.60 Advanced Wagering

- a) A licensee may permit advanced wagering on races up to two days prior to the day the race occurs.
- b) The host track and/or organization licensee shall submit to the State Pari-Mutuel Auditor a totalizator system report reflecting any advanced wagers from previous days to be added to that day's pari-mutuel pools.

Section 300.70 Scratches or Non-Starter

- a) In the event a betting interest is scratched, all wagers including the scratched betting interest shall be refunded, unless otherwise provided in Board rules (e.g., second half daily double grants a consolation payoff to wagers which include scratched betting interests).
- b) In the event the doors in front of a stall of the starting gate, in thoroughbred or quarter horse racing, should fail to open, thereby preventing a horse from starting, all wagers including the horse shall be refunded. There shall be no refund if the horse is part of a coupled entry or mutuel field.

Section 300.80 Pools Dependent Upon Betting Interests

Unless otherwise provided in Board rules, the organization licensee may prohibit:

- a) show wagering on all contests with five or fewer betting interests.
- b) place wagering on any contest with four or fewer betting interests.

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- c) win, quinella or perfecta wagering on any contest with three or fewer betting interests.

Section 300.90 Minimum Payoff

- a) In the event there is insufficient money available in the net pari-mutuel pool to return \$2.20 on each winning \$2 wager, the minimum payoff by the organization licensee shall be \$2.10.
- b) In the event of a minus pool, any deficiencies shall be paid from the commission.
- c) The applicable surcharges as established in the Act, imposed on winning wagers and winnings from wagers on pari-mutuel pools shall not be deducted if it would result in a minimum payoff of less than \$2.10 on a \$2 wager.

Section 300.100 Pari-Mutuel Complaints

- a) Illinois Racing Board complaint forms shall be made available to the public by all licensees. Upon receiving any such complaint form, the licensee shall submit a copy to the Board with a statement of the action taken, if any, or proposed action to be taken by the licensee.
- b) All licensees shall submit every complaint report to the State Director of Mutuels within 48 hours after the complaint is made.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Pari-Mutuels

- 2) Code Citation: 11 Ill. Adm. Code 405

- 3) Section Number: Adopted Action:

405.10 Repealed
 405.20 Repealed
 405.30 Repealed
 405.40 Repealed
 405.55 Repealed
 405.80 Repealed
 405.90 Repealed
 405.100 Repealed
 405.110 Repealed
 405.120 Repealed
 405.130 Repealed
 405.140 Repealed
 405.150 Repealed
 405.160 Repealed
 405.180 Repealed
 405.190 Repealed
 405.200 Repealed
 405.210 Repealed
 405.220 Repealed
 405.230 Repealed
 405.240 Repealed
 405.250 Repealed

- 4) Statutory Authority: 230 ILCS 5

- 5) Effective Date of Rule: October 1, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporation by reference? No

- 8) Date filed in Agency's Principal Office: September 21, 1995

- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8993, July 7, 1995

- 10) Has JCAR issued a Statement of Objections to this rule? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A

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- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals the Board's current Pari-Mutuel rules. A comprehensive set of pari-mutuel rules are proposed in Part 300.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
 Illinois Racing Board, Legal Department
 100 West Randolph, Suite 11-100
 Chicago, Illinois 60601
 (312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Place Pick N Pools
- 2) Code Citation: 11 Ill. Adm. Code 312
- 3) Section Number: Adopted Action:
 312.10 New Section
 312.20 New Section
 312.30 New Section
 312.40 New Section
 312.50 New Section
 312.60 New Section
 312.70 New Section
 312.80 New Section
 312.90 New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8553, June 30, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The statutory citation was corrected. In Section 312.20 (opening paragraph) the word "percent" was added after "seventy-five" and "twenty-five". In Sections 312.20(b) and 312.20(f) a hyphen was added after "second". In Section 312.90(b)(3) changed "is" to "if". Relabeled Sections 312.90(e), (f) and (g).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes a new wager type. Rules for pool distribution, dead heats, scratches, cancellation of races are established.

ILLINOIS RACING BOARD

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600.

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 312

PLACE PICK N POOLS

Section

312.10	Place Pick N
312.20	Pool Calculations
312.30	Dead Heats
312.40	Scratches
312.50	Cancellation of Races
312.60	Carryover Cap
312.70	Mandatory Distribution
312.80	Disclosure
312.90	Place Pick Three Pools

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted October 1, 1995

19 Ill. Reg.

13943,

effective

Section 312.10 Place Pick N

The Place Pick N requires selection of the first- or second-place finisher in each of a designated number of contests. The organization licensee shall designate the number of contests for the Place Pick N and the method for pool calculation prior to the start of its meet. The organization licensee shall submit, in writing, its intent to offer the Place Pick N wager to the State Director of Mutuels no later than 30 days prior to the start of its meet.

Section 312.20 Pool Calculations

The organization licensee may select one of the following methods for conducting its Place Pick N pool. As used in this Part, "Major Pool" is defined as seventy-five percent (75%) of the daily net pool; and "Minor Pool" is defined as twenty-five percent (25%) of the daily net pool. Any deviation from the Major/Minor pool percentage division must be approved by the State Director of Mutuels.

- a) Method 1, Place Pick N with Carryover: The net Place Pick N pool and carryover, if any, shall be distributed as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick N contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the

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first- or second-place finisher in the greatest number of Place Pick N contests; and the remainder shall be added to the carryover.

- b) Method 2, Place Pick N with Minor Pool and Carryover: The major share of the net Place Pick N pool and the carryover, if any, shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick N contests, based upon the official order of finish. The minor share of the net Place Pick N pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick N contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher of all Place Pick N contests, the minor share of the net Place Pick N pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick N contests; and the major share shall be added to the carryover.

- c) Method 3, Place Pick N with No Minor Pool and No Carryover: The net Place Pick N pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick N contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

- d) Method 4, Place Pick N with Minor Pool and No Carryover: The major share of the net Place Pick N pool shall be distributed to those who selected the first- or second-place finisher in the greatest number of Place Pick N contests, based upon the official order of finish. The minor share of the net Place Pick N pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick N contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in a second greatest number of Place Pick N contests, the minor share of the net Place Pick N pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick N contests. If the greatest number of first- or second-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

- e) Method 5, Place Pick N with Minor Pool and No Carryover: The major share of net Place Pick N pool shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick N contests, based upon the official order of finish. The minor share of the net Place Pick N pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick N contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in all Place Pick N contests, the entire net Place Pick N pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick N contests. If there are no wagers selecting the first- or

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second-place finisher in a second greatest number of Place Pick N contests, the minor share of the net Place Pick N pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick N contests. If there are no winning wagers, the pool is refunded.

- f) Method 6, Place Pick N with Minor Pool and Carryover: The net Place Pick N pool and carryover, if any, shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick N contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in all Place Pick N contests, two-thirds of the net pool (major pool) or one-half of the total gross pool, whichever is greater, shall be distributed as a single price pool to those who present a valid pari-mutuel wager for that Place Pick N pool and the remaining one-third of the net pool shall be added to the carryover. The minimum pay-off provisions contained in 11 Ill. Adm. Code 405.130 shall not apply when distributing the major pool in this pool calculation.

Section 312.30 Dead Heats

- a) If there is a dead heat for first in any of the Place Pick N contests involving:

- 1) contestants representing the same betting interest, the Place Pick N pool shall be distributed as if no dead heat occurred.
- 2) contestants representing two or more betting interests, the Place Pick N pool shall be distributed as a single price pool with each winning wager including each betting interest participating in the dead heat.

- b) If there is a dead heat for second in any of the Place Pick N contests involving:

- 1) contestants representing the same betting interest, the Place Pick N pool shall be distributed as if no dead heat occurred.
- 2) contestants representing two or more betting interests, the Place Pick N pool shall be distributed as a single price pool with each winning wager including each betting interest which finished first or any betting interest involved in the dead heat for second.

Section 312.40 Scratches

Should a betting interest in any of the Place Pick N contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizer shall produce reports showing each of the wagering combinations

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

Section 312.50 Cancellation of Races

- a) The Place Pick N Pool shall be canceled and all Place Pick N wagers for the individual performance shall be refunded if:
 - 1) at least two contests included as part of a Pick 3 are canceled or declared "no contest".
 - 2) at least three contests included as part of a Pick 4 or Pick 5 are canceled or declared "no contest".
 - 3) at least four contests included as part of a Pick 6 or Pick 7 are canceled or declared "no contest".
 - 4) at least five contests included as part of a Pick 8 or Pick 9 are canceled or declared "no contest".
 - 5) at least six contests included as part of a Pick 10 or Pick 11 are canceled or declared "no contest".
- b) If at least one contest included as part of a Place Pick N is canceled or declared "no contest", but not more than the number specified in subsection (a), the net pool shall be distributed as a single price pool to those whose selection finishes first in the greatest number of Place Pick N contests for that performance. Such distribution shall include the portion ordinarily retained for the Place Pick N carryover but not the carryover from previous performances.

Section 312.60 Carryover Cap

The Place Pick N carryover may be capped at a designated level approved by the State Director of Mutuels so that if, at the close of any performance, the amount in the Place Pick N carryover equals or exceeds the designated cap, the Place Pick N carryover will be frozen until it is won or distributed under Section 312.70. After the Place Pick N carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Place Pick N carryover, shall be distributed to those whose selection finished first in the greatest number of Place Pick N contests for that performance.

Section 312.70 Mandatory Distribution

- a) A written request for permission to distribute the Place Pick N carryover on a specific performance may be submitted to the State Director of Mutuels. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
- b) Should the Place Pick N carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the Place Pick N contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Place Pick N

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contests. The Place Pick N carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a).
- 2) Upon written approval from the State Director of Mutuels when there is a change in the carryover cap, a change from one type of Place Pick N wagering to another, or when the Place Pick N is discontinued.
- 3) On the closing performance of the meet, split meet or successive or intervening race meeting at the same race track.
- c) If, for any reason, the Place Pick N carryover must be held over to the corresponding Place Pick N of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the State Director of Mutuels. The Place Pick N carryover plus accrued interest shall then be added to the net Place Pick N pool of the following meet on a date and performance designated by the State Director of Mutuels.
- d) With written approval of the Board, the organization licensee may contribute to the Place Pick N carryover a sum of money up to any designated cap.

Section 312.80 Disclosure

The organization licensee may display potential distribution to ticket holders depending on the outcome of the appropriate Place Pick N contest.

Section 312.90 Place Pick Three Pools

- a) The Place Pick Three requires selection of the first- or second-place finisher in each of three specified contests.
- b) The net Place Pick Three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - 1) As a single price pool to those whose selection finished first or second in each of the three contests; but if there are no such wagers, then
 - 2) As a single price pool to those who selected the first- or second-place finisher in any two of the three contests; but if there are no such wagers, then
 - 3) As a single price pool to those who selected the first- or second-place finisher in any one of the three contests; but if there are no such wagers, then
 - 4) The entire pool shall be refunded on Place Pick Three wagers for those contests.
- c) If there is a dead heat for first in any of the three contests involving:
 - 1) contestants representing the same betting interest, the Place Pick Three pool shall be distributed as if no dead heat occurred.

ILLINOIS RACING BOARD
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: PPT Rules
- 2) Code Citation: 11 Ill. Adm. Code 418
- 3) Section Number: Adopted Action:
481.10 Repealed
418.20 Repealed
418.30 Repealed
418.40 Repealed
418.50 Repealed
418.60 Repealed
418.65 Repealed
418.70 Repealed
418.80 Repealed
418.90 Repealed
418.95 Repealed
418.100 Repealed
418.110 Repealed
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9016, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals the PPT wager.
- 16) Information and questions regarding these adopted amendments shall be

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- 2) contestants representing two or more betting interests, the Place Pick Three pool shall be distributed as a single price pool with each winning wager including each betting interest participating in the dead heat.
- d) If there is a dead heat for second in any of the three contests involving:
 - 1) contestants representing the same betting interest, the Place Pick Three pool shall be distributed as if no dead heat occurred.
 - 2) contestants representing two or more betting interests, the Place Pick Three pool shall be distributed as a single price pool with each winning wager including the betting interest which finished first or any betting interest involved in the dead heat for second.
- e) Should a betting interest in any of the Place Pick Three contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizer shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
- f) If two or three Place Pick Three contests are canceled or declared "no contest", the entire pool shall be refunded on Place Pick Three wagers for those contests.
- g) If one of the Place Pick Three contests is canceled or declared "no contest", the Place Pick Three pool will remain valid and shall be distributed in accordance with subsection (b)(2).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

directed to:

Gina DiCaro
 Illinois Racing Board
 Legal Department
 100 West Randolph
 Suite 11-100
 Chicago, Illinois 60601
 (312) 814-2600.

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedures for License Hearings

2) Code Citation: 11 Ill. Adm. Code 205

3) Section Number: Adopted Action:

205.100 Amendment
 205.120 Amendment
 205.140 New Section
 205.150 New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: September 21, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8561, June 30, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: In the Table of Contents and in the title of Section 205.140 added "Notice to" in front of "Acceptance by Applicants". The main source note was corrected. References to Statutory Sections were corrected in Sections 205.140(c), 205.150(a) and 205.150(c). In Section 205.100(d) removed the hyphen from cross examination; added "within the time allotted in Section 20(e) of the Act [230 ILCS 5/20(e)]" before the "-" after "license"; removed "timely". Section 205.120 was relabeled. In Section 205.120(a)(2) replaced a comma with the word "or". In Section 205.120(b) added "(e.g., the matters enumerated in subsection (e-5) (1) through (8), or suggestions or comments from knowledgeable persons who are not licensees or applicants). The phrase "best interest of racing" includes, among other factors, the quality and integrity of racing, public interest, State revenue and the availability of wagering opportunities. Such communications shall be after "racing" and removed "and". The first notice version of Section 205.140 was replaced with the current language. In Section 205.150 changed "criteria" to "same criteria used for the original awarding of dates (see..); deleted "contained in".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

ILLINOIS RACING BOARD

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- 13) Will these amendments replace emergency amendments currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes provisions for ex parte communications, acceptance of racing dates by applicants, emergency hearings to re-award dates and limiting time witnesses may be cross-examined during a license hearing. The amendments are a result of a change in legislation.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago Illinois 60601
(312) 814-2600.

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 205

PROCEDURES FOR LICENSE HEARINGS

Section	Purpose
205.10	Purpose
205.20	Notice
205.30	Filing of Applications
205.40	Use of Applications
205.50	Filing of Evidence Supporting Applications
205.60	Parties
205.70	Service of Application and Evidence Supporting Application
205.80	Pre-Hearing Conference
205.90	Filing of Responsive Evidence & Motions
205.100	Licensing Hearing
205.110	Disqualification of Hearing Officer
205.120	Ex Parte Communications
205.130	Incorporation of Part 204
205.140	Notice to and Acceptance by Applicants
205.150	Emergency Hearing to Re-award Dates

AUTHORITY: Authorized and implemented pursuant to the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Emergency adoption at 16 Ill. Reg. 16318, effective October 6, 1993, for a maximum of 150 days; emergency expired March 5, 1993; emergency rule adopted at 17 Ill. Reg. 6859, effective April 16, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 13615, effective July 30, 1993; emergency amendment at 19 Ill. Reg. 8011, effective June 5, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. **13953**, effective **OCT 01 1995**.

Section 205.100 Licensing Hearing

- (a) The License Hearing shall commence on September 7 (or, if September 7 is not a business day, the next business day thereafter).
- (b) The members of the Racing Board or hearing officer presiding over the Licensing Hearing shall decide all evidentiary objections raised at the Licensing Hearing, subject to de novo review by the Board of the ruling of any hearing officer the Board may appoint, at the request of any party. Any evidence ruled inadmissible may be submitted as an offer of proof.
- (c) Each party shall, in alphabetical order, offer into evidence the prefiled written testimony and exhibits of each witness whose testimony it has filed in support of its application. Each such

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witness will then be subject to oral, cross and redirect examination by all parties according to the rules of evidence applicable for cross and redirect examination in the Circuit Court of Cook County, Illinois and non-jury trials and as provided in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40]. Thereafter, each party shall, in the same order, offer into evidence the prefilled written testimony and exhibits of each witness whose written testimony and exhibits it has filed in response to another party's application for cross and redirect examination. Each such witness will then be subject to oral, cross and redirect examination by all parties according to the rules of evidence applicable for cross and redirect examination in the Circuit Court of Cook County, Illinois for non-jury trials and as provided in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40].

d) The Board or hearing officer may limit the time allotted to a participant for cross examination, if the cross examination of witnesses would unduly obstruct the award of an organization license within the time allotted in Section 20(e) of the Act [230 ILCS 5/20(e)].

(Source: Amended at 19 Ill. Reg. 13953, effective OCT 01 1995)

Section 205.120 Ex Parte Communications

a) This rule expressly adopts the applicable provision of the IAPA, Section 10-60, regarding ex parte communications. Section 10-60 includes provisions that:

1) after notice of a hearing in a contested case such as the Licensing Hearing, agency heads, agency employees and hearing officers shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or the representative of any party, except upon notice and opportunity for all parties to participate;

2) a Board Member may, however, communicate with other members of the Board, and a Board Member or hearing officer may have the advice of one or more "personal assistants." To avoid any appearance of impropriety, however, the Board and the hearing officer shall utilize "personal assistants" who have no other involvement or participation in the Licensing Hearing. For purposes of this Section, a "personal assistant" shall not be deemed to be subject to a disqualifying involvement or participation in the Licensing Hearing if the "personal assistant" has observed the proceedings or reviewed testimony or exhibits for the purpose of advising a Board Member or the hearing officer.

b) Pursuant to Section 20(e-10) of the Act [230 ILCS 5/20(e-10)], ex

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parte communication shall be allowed provided that such communications are in the best interest of racing (e.g., the matters enumerated in subsection (e-5)(1) through (8), or suggestions or comments from knowledgeable persons who are not licensees or applicants). The phrase "best interest of racing" includes, among other factors, the quality and integrity of racing, public interest, State revenue and the availability of wagering opportunities. Such communications shall be made part of the record of the licensing hearing.

(Source: Amended at 19 Ill. Reg. 13953, effective OCT 01 1995)

Section 205.140 Notice to and Acceptance by Applicants

a) The Board shall, within five days after the date its formal order is executed:

1) Send each applicant a copy of that executed order awarding racing dates by certified mail, return receipt requested, addressed to the applicant at the address stated in its application;

2) Issue letters of acceptance to successful applicants for racing dates no later than five days after the date of execution of its formal order. Each applicant shall submit signed acceptance letters to the Board by certified mail, return receipt requested, or by personal delivery at the central office of the Board. Applicants shall furnish signed acceptance letters, together with required fees, to the Board no later than 10 days after receipt of the Board's executed dates order. Acceptance letters, mailed or delivered, shall be received at the central office of the Board on or before the expiration of the 10 day limit.

b) In the event an applicant does not submit a signed acceptance letter and/or the required fees in the manner and within the 10 day limit as stated in subsection (a)(2) of this Section, the Board may conduct an emergency hearing, as provided in Section 205.150, and may re-award racing dates previously awarded to the applicant. The Board may exercise its discretion not to re-award dates when to do so would not be in the best interest of the sport, industry and/or State of Illinois (instances include, but are not limited to, conflicting meets, failure to maximize State revenue, shortage of horses, inadequate facilities or officials, lack of character or financial fitness of the applicant and inadequate promotional budget).

(Source: Added at 19 Ill. Reg. 13953, effective OCT 01 1995)

Section 205.150 Emergency Hearing to Re-award Dates

a) Pursuant to Section 20(f-5) of the Act [230 ILCS 5/20(f-5)] the Board may conduct an emergency hearing and may re-award dates if acceptance

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is not received from the applicant in the 10 days prescribed by the Act or a license to conduct a race meeting has been suspended or revoked.

b) The Board shall serve notice to all interested parties of the date of the emergency hearing and dates for filing applications and supporting documentation for the racing dates in question.

c) A re-award of racing dates shall be based on the criteria contained in Section 20(e-5) of the Act (230 ILCS 5/20(e-5)).

(Source: added 19 Ill. Reg. 13953, effective OCT 01 1995)

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NOTICE OF ADOPTED RULES

1) Heading of the Part: Simulcast Requirements

2) Code Citation: 11 Ill. Adm. Code 322

3) Section Number: Adopted Action:

322.10 New Section

322.20 New Section

322.30 New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: September 21, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9029, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No.

11) Differences between proposal and final version: The statutory citation was corrected. A comma was deleted from Section 322.10(b); the word "state" was changed to "State"; added "a" to Section 322.10(b)(4). Added "the" to the title of Section 322.20. Changed "A" to "An" in Section 322.20(b). Added two commas in Section 322.20(d).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? Yes.

14) Are there any other proposed amendments pending in this Part? No.

15) Summary and purpose of rules: This rulemaking establishes requires for simulcasting race programs. Rules regarding contracts, duties of the host and duties of the receiving facilities are detailed.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 322

SIMULCAST REQUIREMENTS

Section

322.10 General

Duties of the Organization Licensee
Duties of the Wagering Licensee

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: ~~05/07/1995~~ at 19 Ill. Reg. 13959, effective

Section 322.10 General

- a) All executed contracts governing participation in any intrastate and/or interstate simulcasting programs shall be submitted to the Board within 48 hours of the first simulcast.
- b) Each Illinois host track and non-host track conducting a supplemental simulcast shall notify the State Director of Mutuels and the on-site State pari-mutuel auditor, in writing, of its designated simulcast program. Notification shall be made at least 48 hours prior to any wagers being accepted on such simulcast program. Notification shall include:
 - 1) each racetrack providing a race or races for the simulcast program.
 - 2) the number of races provided by each racetrack.
 - 3) the official scheduled post time of each race in Central Time Zone (CST or CDT).
 - 4) the method of conducting a pari-mutuel system of wagering on each race (i.e., interstate common pool, separate Illinois pool, net pool pricing).

Section 322.20 Duties of the Organization Licensee

- a) Every organization licensee simulcasting its performance, if requested, may contract with an authorized receiver for the purpose of providing authorized users its simulcast.
- b) An organization licensee is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of each performance.

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- c) Each simulcast shall contain in its video content a digital display of actual time of day, the name of the host facility from where it emanates, the number of the contest being displayed, and any other relevant information available to patrons at the host facility.
- d) The host association shall maintain such security controls, including encryption over its uplink and communications systems, as directed or approved by the Board.

Section 322.30 Duties of the Wagering Licensee

- a) A wagering licensee shall provide:
- 1) adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed circuit TV system of the host association for providing any host facility patron information.
 - 2) pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the host and guest sites.
 - 3) a voice communication system between guest site and the Illinois host site providing timely voice contact among the Board designees, stewards and pari-mutuel departments.
- b) The host track and all licensees shall conduct pari-mutuel wagering pursuant to applicable Board rules.
- c) Not less than 30 minutes prior to the commencement of transmission of each simulcast, the guest site shall initiate a test program of its downlink, decoder and tote data communications to assure proper operation of the system.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Totalizator Operations
- 2) Code Citation: 11 Ill. Adm. Code 433
- 3) Section Number: Adopted Action:
433.70 Repealed
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: October 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: September 21, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9051, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The statutory citation was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals the requirement for filing a report from this Part. A rule requiring a similar type of report is proposed in Part 300.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, IL 60601
(312) 814-2600

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The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 433

TOTALIZATOR OPERATIONS

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	Definitions
433.10	
433.15	Purpose
433.20	Pari-Mutuel Audit Unit
433.25	Access to Totalizator and Pari-Mutuel Facility
433.30	Work Area for Pari-Mutuel Auditors
433.35	System Failure
433.45	Scientific Advancements
433.50	Filing
433.55	Standards

SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

Section	Cashed Tickets
433.60	
433.70	Summary of Pari-Mutuel Operations (Repealed)

SUBPART C: MUTUEL TICKETS

Section	Marking of Tickets
433.100	
433.110	Status of Outs Account
433.120	Cancellation of Tickets
433.140	Computer Print-Outs
433.145	Additional Method of Calculation

SUBPART D: MUTUEL FACILITIES; TICKETS; SPECIFICATIONS REQUIREMENTS AND PROCEDURES

Section	No Reduction in Capacity
433.200	
433.210	Totalizators
433.220	Final Confirmation
433.230	Status Report
433.240	Locking Devices
433.250	Control of Locking Devices
433.260	Accounting for Individual Tickets

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433.280
433.290
433.295
433.298

Tickets
Security for Tote Equipment
Access to Tote Room
Fax Machine
Hot-Line Telephone

SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

Section

433.300
433.310
433.320
433.330
433.340
433.350
433.360
433.370
433.380
433.390
433.400
433.410
433.420
433.430
433.440
433.450
433.460
433.470
433.480
433.490

General System Requirements
Redundant Capabilities
Redundant Hardware
Stop Betting Command
Record of Stop Betting Command
Odds Board Control
Odds Update
Retention of Racing Program Data
Control Access to Tote Computer Equipment
Software
Provide Summary
Unique Ticket Number
Uncashed Tickets
Computer Produced Reports
Magnetic Log Files
Security Sub-System
Power Fluctuations
Two Independent Sets of Pool Totals
Loss of Communications Reports
Cancellations

SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

Section

433.500
433.510
433.520
433.530
433.540
433.550
433.560
433.570
433.580
433.600
433.610

General Procedural Requirements
Pre-Program Tests
Totalizator Programs
Duplicate Copy of Totalizator Programs
Notice of Software Modifications
Testing of Software Modifications
Controlling System Utilities
Access to Tote Room
Control Log
Back-Up Procedures
Shut-down Procedures

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 15].

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NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 11 Ill. Reg. 12380, effective July 18, 1987; amended at 15 Ill. Reg. 2736, effective February 5, 1991; amended at 16 Ill. Reg. 20171, effective December 9, 1992; amended at 18 Ill. Reg. 7443, effective May 8, 1994; amended at 19 Ill. Reg. 13963, effective OCT 01 1995.

SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

Section 433.70 Summary of Pari-Mutuel Operations (Repealed)

~~the-mutuel-manager-of-the-organization-licensee-shall-attest-by-signature-to the-validity-of-the-information-included-in-the-Summary-of-Pari-Mutuel Operations-report-submitted-by-racing-program-to-the-Board-as-the-Organization licensee's-origina-record-of-wagering-activities-at-the-racetrack-supervised by-such-mutuel-manager.~~

(Source: Repealed at 19 Ill. Reg. 13963, effective OCT 01 1995)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.340 Amendment
- 4) Statutory Authority: 35 ILCS 120/1 et seq.
- 5) Effective Date of Amendment(s): September 18, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 11, 1995
- 9) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 4383
- 10) Has JCAR issued a Statement of Objections to these Amendments? No.
- 11) Differences between proposal and final version: No differences between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.501	Amendment	10/14/95, 18 Ill. Reg. 15383
130.502	Amendment	10/14/95, 18 Ill. Reg. 15383
130.510	Amendment	10/14/95, 18 Ill. Reg. 15383
130.540	Amendment	10/14/95, 18 Ill. Reg. 15383
130.331	Amendment	1/20/95, 19 Ill. Reg. 571
130.2007	Amendment	4/7/95, 19 Ill. Reg. 5240
130.1995	Amendment	4/14/95, 19 Ill. Reg. 5450

- 15) Summary and Purpose of Amendment(s): This amendment changes the reference to an Illinois Commerce Commission Certificate of Authority to an Illinois Commerce Commission Certificate of Registration that recognizes interstate carriers for hire for documentation of the rolling stock exemption. This

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

change in terminology does not change the type of documentation required to document this exemption. The use of the term "Certificate of Registration" is considered a more appropriate description of the certificate that the Illinois Commerce Commission has and currently continues to issue to certain interstate carriers for hire.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Terry Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations
130.220	Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.335	Pollution Control Facilities
130.340	Rolling Stock
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Transportation and Delivery Charges

Finance or Interest Charges--Penalties--Discounts

Traded-In Property

Deposit or Prepayment on Purchase Price

State and Local Taxes Other Than Retailers' Occupation Tax

Penalties

Federal Taxes

Installation, Alteration and Special Service Charges

Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Monthly Tax Returns--When Due--Contents

Quarterly Tax Returns

Returns and How to Prepare

Annual Tax Returns

First Return

Final Returns When Business is Discontinued

Who May Sign Returns

Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations

Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

Returns on a Transaction by Transaction Basis

Registrants Must File a Return for Every Return Period

Filing of Returns for Retailers by Suppliers Under Certain Circumstances

Prepayment of Retailers' Occupation Tax on Motor Fuel

Vending Machine Information Returns

Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Preliminary Comments

Sales of Property Originating in Illinois

Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

130.725 Taxpayer Under Some Circumstances
 130.730 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
 130.1301 When Lessee of Premises Must File Return for Leased Department

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130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
 130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refunds
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
 130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns Are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
 130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
 130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

DEPARTMENT OF REVENUE
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Stamps and Like Articles
Auctioneers and Agents
Barbers and Beauty Shop Operators
Blacksmiths
Chiropractists, Osteopaths and Chiropractors
Computer Software
Construction Contractors and Real Estate Developers
Co-operative Associations
Dentists
Enterprise Zones
Farm Chemicals
Finance Companies and Other Lending Agencies - Installment Contracts
- Repossessions
Florists and Nurserymen
Hatcheries
Operators of Games of Chance and Their Suppliers
Optometrists and Opticians
Pawnbrokers
Peddlers, Hawkers and Itinerant Vendors
Personalizing Tangible Personal Property
Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
Sales by Teacher-Sponsored Student Organizations
Exemption Identification Numbers
Sales by Nonprofit Service Enterprises
Persons Who Rent or Lease the Use of Tangible Personal Property to Others
Persons Who Repair or Otherwise Service Tangible Personal Property
Physicians and Surgeons
Picture-Framers
Public Amusement Places
Registered Pharmacists and Druggists
Retailers of Clothing
Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
Sales and Gifts By Employers to Employees
Sales by Governmental Bodies
Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
Sales of Automobiles for Use in Demonstration
Sales of Containers, Wrapping and Packing Materials and Related Products
Sales To Construction Contractors, Real Estate Developers and Speculative Builders
Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
Sales to or by Banks, Savings and Loan Associations and Credit

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130.2085

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

Unions
Sales to Railroad Companies
Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
Sellers of Feeds and Breeding Livestock
Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
Sellers of Seeds and Fertilizer
Sellers of Machinery, Tools and the Like
Suppliers of Persons Engaged in Service Occupations and Professions
Trading Stamps and Discount Coupons
Undertakers and Funeral Directors
Vending Machines
Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
Vendors of Meals
Vendors of Memorial Stones and Monuments
Vendors of Signs
Vendors of Steam
Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
Veterinarians
Warehousemen
ILLUSTRATION A: Examples of Tax Exemption Cards
AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].
SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767,

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DEPARTMENT OF REVENUE

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effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. **13968**, effective **SEP 18 1995**

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.340 Rolling Stock

- a) Notwithstanding the fact that the sale is at retail, the Retailers' Occupation Tax does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce, or lessors under leases of one year or longer executed or in effect at the time of purchase to interstate carriers for hire for use as rolling stock moving in interstate commerce.
- b) The term "Rolling Stock" includes the transportation vehicles of any kind of interstate transportation company for hire (railroad, bus line, air line, trucking company, etc.), but not vehicles which are being used by a person to transport its officers, employees, customers or others not for hire (even if they cross State lines) or to transport property which such person owns or is selling and delivering to customers (even if such transportation crosses State lines). Railroad "rolling stock" includes all railroad cars, passenger and freight, and locomotives (including switching locomotives) or mobile power units of every nature for moving such cars, operating on railroad tracks, and includes all property purchased for the purpose of being attached to such cars or locomotives as a part thereof. The exemption includes some equipment (such as containers called trailers) which are used by interstate carriers for hire, loaded on railroad cars, to transport property, but which do not operate under their own power and are not actually attached to the railroad cars. The exemption does not apply to fuel nor to jacks or flares or other items that are used by interstate carriers for hire in servicing the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

transportation vehicles, but that do not become a part of such vehicles, and that do not participate directly in some way in the transportation process. The exemption does not include property of an interstate carrier for hire used in the company's office, such as furniture, typewriters, office supplies and the like.

c) The rolling stock exemption cannot be claimed by a purely intrastate carrier for hire as to any tangible personal property which it purchases because it does not meet the statutory tests of being an interstate carrier for hire.

d) The exemption applies to vehicles used by an interstate carrier for hire, even just between points in Illinois, in transporting, for hire, persons whose journeys or property whose shipments, originate or terminate outside Illinois on other carriers. The exemption cannot be claimed for an interstate carrier's use of vehicles solely between points in Illinois where the journeys of the passengers or the shipments of property neither originate nor terminate outside Illinois.

e) When the rolling stock exemption may properly be claimed, the purchaser should give the seller a certification that the purchaser is an interstate carrier for hire, and that the purchaser is purchasing the property for use as rolling stock moving in interstate commerce. If the purchaser is a carrier, the purchaser must include its Interstate Commerce Commission Certificate of Authority number or must certify that it is a type of interstate carrier for hire (such as an interstate carrier of agricultural commodities for hire) that is not required by law to have an Interstate Commerce Commission Certificate of Authority. In the latter event, the carrier must include its Illinois Commerce Commission Certificate of Authority Registration number indicating that it is recognized by the Illinois Commerce Commission as an interstate carrier for hire. If the carrier is a type which is subject to regulation by some Federal Government regulatory agency other than the Interstate Commerce Commission, the carrier must include its registration number from such other Federal Government regulatory agency in the certification claiming the benefit of the rolling stock exemption. If the purchaser is a long term lessor (under a lease of one year or more in duration), the purchaser must give the seller of the property a certification to that effect, similarly identifying the lessee interstate carrier for hire. The giving of such a certification does not preclude the Department from going behind it and disregarding it if, in examining such purchaser's records or activities, the Department finds that the certification was not true as to some fact or facts which show that the purchase was taxable and should not have been certified as being tax exempt. The Department reserves the right to require a copy of the carrier's Interstate Commerce Commission or other Federal Government regulatory agency Certificate of Authority or Illinois Commerce Commission Certificate of Registration Authority (or as much of the certificate as the Department deems adequate to verify the fact that the carrier

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

is an interstate carrier for hire) to be provided whenever the Department deems that to be necessary.

(Source: Amended at 19 Ill. Reg. 13968, effective SEP 18 1995)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
310.Appendix A, Table G Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedures Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: 20 ILCS 415/8 and 8a
- 6) Effective Date: September 19, 1995
- 7) A Complete Description of the Subjects and Issues Involved: The RC-045 (Automotive Mechanics, IFPE) Collective Bargaining Unit negotiated an agreement to reclassify the Automotive Attendant to Automotive Attendant I with the monthly salary remaining the same at \$1,756, effective September 1, 1995. Also, a new class entitled Automotive Attendant II was established with the monthly salary of \$1,896.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: September 19, 1995
- 10) Is this rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act: Yes
- 11) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.230	Amended	19 Ill. Reg. 11707 (August 18, 1995)
310.290	Amended	19 Ill. Reg. 11707 (August 18, 1995)
310.530	Amended	19 Ill. Reg. 11707 (August 18, 1995)
310.540	Amended	19 Ill. Reg. 11707 (August 18, 1995)
310.Appendix C	Amended	19 Ill. Reg. 11707 (August 18, 1995)
310.Appendix D	Amended	19 Ill. Reg. 11707 (August 18, 1995)
310.Appendix G	Amended	19 Ill. Reg. 11707 (August 18, 1995)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.30	Amended	19 Ill. Reg. 12365 (September 1, 1995)
310.40	Amended	19 Ill. Reg. 12365 (September 1, 1995)
310.210	Amended	19 Ill. Reg. 12365 (September 1, 1995)
310.280	Amended	19 Ill. Reg. 12365 (September 1, 1995)
310.320	Amended	19 Ill. Reg. 12365 (September 1, 1995)
310.Appendix A Table AA	New	19 Ill. Reg. 12365 (September 1, 1995)
310.Appendix A Table J	Amended	19 Ill. Reg. 12365 (September 1, 1995)
310.Appendix A Table O	Amended	19 Ill. Reg. 12365 (September 1, 1995)
310.Appendix A Table P	Amended	19 Ill. Reg. 12365 (September 1, 1995)

12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

13) Information and questions regarding this adopted amendment shall be directed to: Within 45 days, comments should be written and addressed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, IL 62706
(217) 782-5601

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	Policy and Responsibilities
310.20	Jurisdiction
310.30	Pay Schedules
310.40	Definitions
310.50	Conversion of Base Salary to Pay Period Units
310.60	Conversion of Base Salary to Daily or Hourly Equivalents
310.70	Increases in Pay
310.80	Decreases in Pay
310.90	Other Pay Provisions
310.100	Implementation of Pay Plan Changes for Fiscal Year 1996
310.110	Interpretation and Application of Pay Plan
310.120	Effective Date
310.130	Reinstitution of Within Grade Salary Increases
310.140	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)
310.150	

SUBPART B: SCHEDULE OF RATES

Section	Introduction
310.205	Prevailing Rate
310.210	Negotiated Rate
310.220	Part-Time Daily or Hourly Special Services Rate
310.230	Hourly Rate
310.240	Member, Patient and Inmate Rate
310.250	Trainee Rate
310.260	Legislated and Contracted Rate
310.270	Designated Rate
310.280	Out-of-State or Foreign Service Rate
310.290	Educator Schedule for RC-063 and HR-010
310.300	Physician Specialist Rate
310.310	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.320	Excluded Classes Rate (Repealed)
310.330	

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Public Service Administrator Class Series
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1995
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-023 (Registered Nurses, INA)
TABLE K	RC-014 (Clerical Employees, AFSCME)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1996
APPENDIX C	Medical Administrator Rates for Fiscal Year 1995
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1995
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule
AUTHORITY:	Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
SOURCE:	Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18954, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. **13979**, effective September 19, 1995.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE G RC-045 (Automotive Mechanics, IFPE)

A) Departments of Central Management Services and Transportation - Northeast Region - (Cook)

July 1, 1994

Mo.

Auto & Body Repairer 2942
Automotive Attendant 1705
Automotive Mechanic 2942
Automotive Mechanic's Helper 2722
Automotive Parts Warehouse I 2761
Automotive Parts Warehouse II 2824
*Storekeeper I 2769
*Storekeeper II 2826

January 1, 1995

Mo.

Auto & Body Repairer 2942
Automotive Attendant 1705
Automotive Mechanic 2942
Automotive Mechanic's Helper 2722
Automotive Parts Warehouse II 2824
*Storekeeper I 2769
*Storekeeper II 2826

April 19, 1995 July 1, 1995

Mo.

Auto & Body Repairer 2942
Automotive Attendant 1705
Automotive Mechanic 2942
Automotive Mechanic's Helper 2722
Automotive Parts Warehouse 2824
*Storekeeper I 2769
*Storekeeper II 2826

April-19-1995

July-17-1995

Mo.

Auto & Body Repairer 2942
Automotive Attendant 1705
Automotive Mechanic 2942
Automotive Mechanic's Helper 2722
Automotive Parts Warehouse 2824

July-17-1996

Mo.

Auto & Body Repairer 2942
Automotive Attendant 1705
Automotive Mechanic 2942
Automotive Mechanic's Helper 2722
Automotive Parts Warehouse 2824

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

*Storekeeper-I 2769 2852 2945
*Storekeeper-II 2826 2911 3006

September 1, 1995 July 1, 1996

Mo.

Auto & Body Repairer 3030
Automotive Attendant I 1756
Automotive Attendant II 1896
Automotive Mechanic 3030
Automotive Mechanic's Helper 2804
Automotive Parts Warehouse 2909
*Storekeeper I 2852
*Storekeeper II 2911

* Serving as Automotive Parts Warehousemen in Cook County.

B) Departments of Agriculture, Central Management Services, Conservation, Corrections and Transportation - (All Other Counties Except Cook)

July 1, 1994

Mo.

Auto & Body Repairer 2913
Automotive Attendant 1705
Automotive Mechanic 2913
Automotive Mechanic's Helper 2590
Automotive Parts Warehouse I 2598
Automotive Parts Warehouse II 2818
Automotive Parts Warehouse III 2881
Small Engine Mechanic 2490

January 1, 1995

Mo.

Auto & Body Repairer 2913
Automotive Attendant 1705
Automotive Mechanic 2913
Automotive Mechanic's Helper 2590
Automotive Parts Warehouse 2818
Automotive Parts Warehouse II 2881
Automotive Parts Warehouse III 2590
Small Engine Mechanic 2490

February 1, 1995

Mo.

Auto & Body Repairer 2913
Automotive Attendant 1705
Automotive Mechanic 2913
Automotive Mechanic's Helper 2590
Automotive Parts Warehouse 2818

April 19, 1995 July 1, 1995

Mo.

Auto & Body Repairer 2913
Automotive Attendant 1705
Automotive Mechanic 2913

July-17-1996

Mo.

Auto & Body Repairer 3001
Automotive Attendant 1756
Automotive Mechanic 3001

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Automotive Mechanic's Helper	2590	2668	2755
Automotive Parts Warehouse	2818	2903	2997
Automotive Parts Warehouse Specialist	2881	2967	3063
Small Engine Mechanic	2590	2668	2755
September 1, 1995			
Mo.			
Auto & Body Repairer	3001	3099	
Automotive Attendant I	1756	1813	
Automotive Attendant II	1896	1958	
Automotive Mechanic	3001	3099	
Automotive Mechanic's Helper	2668	2755	
Automotive Parts Warehouse	2903	2997	
Automotive Parts Warehouse Specialist	2967	3063	
Small Engine Mechanic	2668	2755	

September 1, 1995

July 1, 1996

(Source: Peremptory amendment at 19 Ill. Reg. **13979**, effective September 19, 1995)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 19, 1995 through September 25, 1995 and have been scheduled for review by the Committee at its October 17, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/2/95	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	7/14/95 19 Ill Reg 9376	10/17/95
11/2/95	Department of Public Aid, General Administrative Provisions (89 Ill Adm Code 101)	7/14/95 19 Ill Reg 9378	10/17/95
11/5/95	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	6/23/95 19 Ill Reg 8066	10/17/95
11/5/95	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	6/16/95 19 Ill Reg 7786	10/17/95
11/5/95	Commissioner of Savings and Residential Finance, Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050)	7/28/95 19 Ill Reg 10979	10/17/95

PROCLAMATIONS

95-440

JOHNNY "RED" KERR DAY

Whereas, the 15th Annual Basketball Dinner to benefit the Little City Foundation will be held Saturday, September 16, 1995; and

Whereas, the event will pay tribute to Johnny "Red" Kerr in recognition of his numerous contributions to the game of basketball and his long-standing record of community service; and

Whereas, the dinner will be attended by civic, business, and labor leaders, as well as other dignitaries and fans; and

Whereas, proceeds of the event will enable the Little City Foundation to continue and expand its many life enriching programs to improve the quality of life for children and adults with mental retardation and other developmental challenges; and

Whereas, the State of Illinois recognizes the efforts of the event's General Chairman Robert L. Crandall, Chairman and CEO of American Airlines, and Dinner Co-Chairman Donald A. Petkus, Senior Vice President of Commonwealth Edison, as well as the members of the Dinner Committee, whose time and talents make the benefit possible;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16, 1995, as JOHNNY "RED" KERR DAY in Illinois.

Issued by the Governor September 7, 1995.

Filed by the Secretary of State September 22, 1995.

95-441

DYSTONIA AWARENESS WEEK

Whereas, Dystonia is a neurological disorder in which disabling, involuntary muscle spasms twist parts or all of the body; and

Whereas, the cause of Dystonia, which may affect as many as 250,000 people in North America, is unknown and currently has no cure; and

Whereas, those who suffer from Dystonia, their families, and their friends have formed the Dystonia Medical Research Foundation to help each other and to seek the cause and cure; and

Whereas, the public knows little about Dystonia, many citizens react to the physical manifestations of Dystonia by avoiding those who have this disorder, causing the sufferers to experience isolation and bear grave psychological harm; and

Whereas, greater recognition and understanding of Dystonia both in the medical and the lay community is important; and

Whereas, widespread public support of efforts to find the causes and cure for Dystonia is needed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16-23, 1995, as DYSTONIA AWARENESS WEEK in Illinois and encourage citizens to learn about this disorder and support those who suffer from it.

Issued by the Governor September 8, 1995.

Filed by the Secretary of State September 22, 1995.

95-442

HOUSEKEEPERS WEEK

Whereas, the National Executive Housekeepers Association was organized on November 1, 1930, as a non-profit organization represented in all 50 states; and

Whereas, the National Executive Housekeepers Association, Inc. is a professional organization committed to a cleaner, safer, and healthier environment; and

Whereas, this common purpose is supported and communicated to members, the public, and other organizations through leadership, education, and research; and

Whereas, the National Executive Housekeepers Association has assembled trade shows and workshops in order to strengthen their membership; and

Whereas, this year's National Housekeepers Week, "Pride, Quality, Excellence: Solving Tomorrow's Problems Today," served notice that housekeepers do play a valuable role in our society not only toward a healthy home but a prosperous community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10-16, 1995, as HOUSEKEEPERS WEEK in Illinois.

Issued by the Governor September 8, 1995.

Filed by the Secretary of State September 22, 1995.

95-443

VOICES WOMEN OF SUBSTANCE DAY

Whereas, Voices Women of Substance was established on January 4, 1993, to exist as a civic and social organization for African American business and professional women; and

Whereas, the mission of Voices Women of Substance is to support and interact with other civic and social organizations with special concerns for African American women and women's groups; and

Whereas, Voices Women of Substance has volunteered time and service to such organizations as the C.F. Moore Foundation, Grant-A-Wish, Women United for South Shore, and outreach programs through the Illinois Department of Children and Family Services; and

Whereas, Voices Women of Substance will host the organization's first annual Woman to Woman Luncheon on September 16, 1995, to honor African American women in the criminal justice system;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16, 1995, as VOICES WOMEN OF SUBSTANCE DAY in Illinois.

Issued by the Governor September 8, 1995.

Filed by the Secretary of State September 22, 1995.

95-444

CHICAGO TEEN CHALLENGE DAY

Whereas, Chicago Teen Challenge is a non-profit organization incorporated in the State of Illinois; and

Whereas, Chicago Teen Challenge operates a year-long residential program that helps men caught in gangs, drug addiction, and alcohol abuse find help for their problems; and

Whereas, a study conducted by the National Institute on Drug Abuse found that a Teen Challenge program had an 86 percent cure rate for heroin addiction, and that Chicago Teen Challenge, using the same approach for all addiction, has

a cure rate of more than 70 percent; and

Whereas, since 1961, the Chicago Teen Challenge program has been making substantial contributions to the health and welfare of thousands of Illinois citizens; and

Whereas, graduates of the Chicago Teen Challenge program have been returning to their families and society as responsible people and productive citizens; and

Whereas, Chicago Teen Challenge will celebrate 34 years of service at its annual banquet on September 18, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18, 1995, as CHICAGO TEEN CHALLENGE DAY in Illinois in honor of Chicago Teen Challenge and its fine accomplishments.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-445

CONTINUITY OF CARE WEEK

Whereas, the concept of Continuity of Care is an essential component of today's health care delivery system; and

Whereas, the professionals responsible for Continuity of Care comprise a variety of disciplines, educational backgrounds, and practice in diverse settings; and

Whereas, Continuity of Care professionals function as facilitators, caregivers, and advocates to ensure that patients receive quality, cost-effective health care services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 17-24, 1995, as CONTINUITY OF CARE WEEK in Illinois in recognition of these individuals' dedication and commitment to health care.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-446

DAY OF PEACE

Whereas, we live in a world of nations whose interdependence makes peace a priority for the survival and advancement of civilization; and

Whereas, peace begins with individuals and nations of one mind, uniting to release our world from the threat of nuclear warfare and terrorism, our cities from violence and crime, and ourselves from prejudice and animosity; and

Whereas, education should be provided for our children with problem-solving skills, starting in homes and continuing in schools, so they may learn to live in peaceful coexistence; and

Whereas, the United Nations represents a crucial step in the building of a democratic global political institution which can resolve international conflict by the same kind of political and judicial processes that we use within our state and nation; and

Whereas, this year, the 50th anniversary of the United Nations, we observe the day officially dedicated in 1981, the third Tuesday of September, as International Peace Day; and

Whereas, all citizens can be a part of the peacemaking process through moments of silence and with continued action and commitment to promoting peace

and harmony within ourselves, our state, and our nation for the betterment of the world and all humanity;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 19, 1995, as a DAY OF PEACE in Illinois.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-447

FAMILY FEDERATION FOR UNIFICATION OF WORLD PEACE DAY

Whereas, developments in science and technology, especially communication, have helped generate tremendous reforms in family and social environments; and

Whereas, although reforms are taking place, our society is still plagued by problems such as violence and drug abuse; and

Whereas, solving these problems will require reconciliation, compassion, service and sacrifice, and all citizens must work together to maintain and boost an emotionally healthy, human, and peaceful existence; and

Whereas, since its inception in October 1994 the Family Federation for Unification and World Peace has conducted peace-promoting activities such as meetings, lectures series, and international exchanges; and

Whereas, the Family Federation for Unification and World Peace will meet in Chicago on September 12;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 12, 1995, as FAMILY FEDERATION FOR UNIFICATION OF WORLD PEACE DAY in Illinois.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-448

HUNTING AND FISHING DAYS

Whereas, sportsmen have been in the forefront of the conservation movement for more than 100 years, willingly accepting responsibility and imposing necessary regulations on their sport; and

Whereas, not content with merely vocalizing their support, hunters and fishermen have requested special fees and taxes which help pay for wildlife management and other conservation programs, raising more than \$6 billion over the years; and

Whereas, sportsman-financed programs have led to the dramatic comeback of many species, such as the white-tailed deer and wild turkey, and have greatly benefited all wildlife; and

Whereas, as individuals and through their organizations, hunters and fishermen volunteer countless hours of their time for local conservation projects and to raise funds to safeguard our natural resources for future generations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 23-24, 1995, as HUNTING AND FISHING DAYS in Illinois, and I urge our citizens to join with hunters and anglers in continuing the effort to secure the future of our state's natural resources.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-449

MCDONOUGH COUNTY LAW ENFORCEMENT APPRECIATION DAY

Whereas, the Crime and Quality of Life Committee, in coordination with residents of McDonough County, will celebrate Law Enforcement Appreciation Day (LEAD) on September 15, 1995; and

Whereas, the men and women serving in law enforcement in McDonough County have supported the community through their commitment to community safety and crime prevention; and

Whereas, the citizens of McDonough County enjoy a high quality of life because of the efforts of these people; and

Whereas, it is right and just to honor and support these individuals for their valuable service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 15, 1995, as MCDONOUGH COUNTY LAW ENFORCEMENT APPRECIATION DAY in Illinois.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-450

REFLEX SYMPATHETIC DYSTROPHY SYNDROME MONTH

Whereas, Reflex Sympathetic Dystrophy Syndrome (RSDS) is a complex condition with varying degrees of severity and disability; and

Whereas, RSDS is a painful, multi-symptom condition usually affecting arms, legs, or both, but may affect any area of the body; and

Whereas, RSDS affects millions of people in this country at almost any age, causing loss of independence, loss of a job or ability to attend school, and loss of income; and

Whereas, Reflex Sympathetic Dystrophy Syndrome Association, a non-profit organization with chapters in Illinois and many other states, promotes research and helps meet the needs of patients and their families;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1995 as REFLEX SYMPATHETIC DYSTROPHY SYNDROME MONTH in Illinois.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-451

**SCHAUMBURG TOWNSHIP DISTRICT LIBRARY
COOK COUNTY REFERENDUM PERIOD NOTICE**

Whereas, the Schaumburg Township District Library - Cook County desires to provide Hospital Insurance (Medicare) coverage for its employees not mandatorily covered for Hospital Insurance pursuant to Public Law 99-272 and pursuant to Public Law 101-508; and

Whereas, a referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code, Article 21, as amended, which requires that each eligible employee who is a participant in the Library's retirement plan be given the opportunity to register his/her personal choice by written ballot as to whether he/she elects Hospital Insurance coverage; and

Whereas, the referendum procedure requires that each eligible employee shall be given a detailed description of the two choices available to him/her

and allowed 90 days notice prior to the exercise of his/her right to choose;

I Herby designate the Executive Secretary of the State Employees' Retirement System and the Director of the Schaumburg Township District Library - Cook County as the officials who are jointly responsible for the distribution of the details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes; to allocate their other duties under this proclamation among themselves; and to delegate such other duties to others as they shall deem appropriate;

Therefore, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim a period of at least 90 days notice between the dates of September 25, 1995, and December 23, 1995, to eligible employees of the Schaumburg Township District Library - Cook County that their choice shall be expressed by written ballot in conformity with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the Director of the Schaumburg Township District Library - Cook County and the referendum concluded not later than December 23, 1995.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

95-452

SOLEMN INVESTITURE OF NEW KNIGHTS AND DAMES DAY

Whereas, the solemn Investiture of New Knights and Dames of the Sacred Military Constantinian Order of Saint George of the Royal House of Bourbon of the Two Sicilies will be at two o'clock September 16, 1995; and

Whereas, a Pontifical Mass will be celebrated by His Excellency, The Most Reverend Monsignor Marian Oles; and

Whereas, the sermon will be given by the Very Reverend Regis N. Barwig; and

Whereas, His Royal Highness, Prince Don Carlo di Borbone will preside over the investiture; and

Whereas, Prince Don Carlo di Borbone will receive into membership 14 new Knights and Dames, including Chicagoans Bernard Michael Pallasch, Joseph Gordon Le Sanche, and Francis Xavier Williams;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 16, 1995, as the SOLEMN INVESTITURE OF NEW KNIGHTS AND DAMES DAY in Illinois.

Issued by the Governor September 14, 1995.

Filed by the Secretary of State September 22, 1995.

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR DISCOVER CARD
CHECKS AND/OR MONEY ORDERS ARE PAYABLE TO SECRETARY OF STATE

— 1977-1978 — 1979 — 1980 — 1981 — 1982 — 1983 — 1984 — 1985 — 1986
1987 — 1988 — 1989 — 1990 — 1991 — 1992 — 1993 — 1994 —

1981	1982	1983	1984	1985	1986	1987	1988	1989
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	1984	1985	1986	1987	1988	1989
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	1990	1991	1992	1993
1. <i>Chlamydia trachomatis</i>	100	100	100	100
2. <i>Neisseria meningitidis</i>	100	100	100	100
3. <i>Streptococcus pneumoniae</i>	100	100	100	100
4. <i>Haemophilus influenzae</i>	100	100	100	100
5. <i>Legionella pneumophila</i>	100	100	100	100
6. <i>Yersinia enterocolitica</i>	100	100	100	100
7. <i>Salmonella enteritidis</i>	100	100	100	100
8. <i>Escherichia coli</i>	100	100	100	100
9. <i>Shigella flexneri</i>	100	100	100	100
10. <i>Staphylococcus aureus</i>	100	100	100	100
11. <i>Pseudomonas aeruginosa</i>	100	100	100	100
12. <i>Klebsiella pneumoniae</i>	100	100	100	100
13. <i>Acinetobacter baumannii</i>	100	100	100	100
14. <i>Mycobacterium tuberculosis</i>	100	100	100	100
15. <i>Candida albicans</i>	100	100	100	100
16. <i>Aspergillus fumigatus</i>	100	100	100	100
17. <i>Cryptosporidium parvum</i>	100	100	100	100
18. <i>Toxoplasma gondii</i>	100	100	100	100
19. <i>Giardia lamblia</i>	100	100	100	100
20. <i>Naegleria fowleri</i>	100	100	100	100

(Volume Number) (Issue Number) (Issue Date)

NEW RENEWAL

(1994 Code & 2 Supplements)	(Quantity)	(1995 Supplements)	(Quantity)
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Expiration Date: _____ Signature _____

(CITY)	(STATE)	(ZIP CODE)	(TELEPHONE NUMBER)

Springfield, IL 62756

